Corrected Copy

I

1865(A)

BENGAL SECRETARIAT LIBRARY

A COLLECTION

OF

THE ACTS

PASSED BY THE

GOVERNOR GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1868.

CALCUTTA:
OFFICE OF SUPERINTENDENT OF GOVERNMENT PRINTING.
1868.

BENGAL SECRETARIAT LIBRARY

TITLES

OF

ACTS PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1868.

Act No.	I.	An Act for shortening the language used in Acts of the Governor General of India in Council and for other purposes.
—	II.	to alter the rate of duty leviable on pepper exported from Cochin.
—	III.	to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár.
—	IV.	to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.
—	V.	to enable the Governor of Bombay in Council to delegate to the Commissioner in Sind certain of the powers of a Local Government.
—	VI.	to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes.
—	VII.	to amend the law relating to Appeals and Reviews of Judgment in the Panjáb.
—	VIII.	for repealing certain enactments which have ceased to be in force or have become unnecessary.
—	IX.	for taxing Professions and Trades.
—	X.	to amend the Consolidated Customs' Act.
—	XI.	to exempt Timber and Woods from Import Duty.
—	XII.	to empower the Governor General of India in Council to suspend the operation of Section 17 of Act No. XI of 1841.
—	XIII.	to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.
—	XIV.	for the Prevention of certain Contagious Diseases.
—	XV.	to provide for the collection of fees, by means of stamps, in the High Courts and the Courts of Small Causes at the Presidency Towns.
—	XVI.	to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.

Act No.	XVII.	An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.
—	XVIII.	for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.
—	XIX.	to consolidate and amend the Law relating to Rent in Oudh.
—	XX.	to give validity to the levy of certain Duties in Lucknow.
—	XXI.	to appoint a Receiver of the property of the late Nawáb of the Carnatic.
—	XXII.	to bring the Mauza Kheria, in the District of Agra, under the operation of the general Regulations.
—	XXIII.	to give validity to certain Ábkárí Rules in British Burma.
-	XXIV.	to prohibit the practice of inoculation in Kumaon and Garhwál.
-	XXV.	to define the jurisdiction of the Courts in Coorg.
-	XXVI.	to enable Municipalities to provide for Lock-Hospitals.
-	XXVII.	to exempt certain Instruments from the Indian Registration Act, 1866.
-	XXVIII.	to define and amend the law relating to the tenancy of land in the Panjáb.

BENGAL SECRETARIAT LIBRARY

ACT No. I of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 3rd January* 1868.)

An Act for shortening the language used in Acts of the Governor General of India in Council and for other purposes.

Preamble.

WHEREAS it is expedient to shorten the language used in Acts made by the Governor General of India in Council, and to make certain provisions relating to such Acts; It is hereby enacted as follows:—

Short title.

1. This Act may be cited as "The General Clauses' Act, 1868."

Interpretation-clause.

2. In this Act and in all Acts made by the Governor General of India in Council after this Act shall have come into operation,—unless there be something repugnant in the subject or context,—

Gender.

(1.) Words importing the masculine gender shall be taken to include females;

Number.

(2.) Words in the singular shall include the plural, and *vice versâ*;

"Person."

(3.) "Person" shall include any company, or association, or body of individuals whether incorporated or not;

"Year" and "month"

(4.) "Year" and "month" shall respectively mean a year and month reckoned according to the British calendar;

"Immoveable property."

(5.) "Immoveable property" shall include land, benefits to arise out of land, and things attached to the earth, or permanently fastened to anything attached to the earth;

(6.) "Moveable

PRICE TWO ANNAS.

"Moveable property."

(6.) "Moveable property" shall mean property of every description, except immoveable property;

"Her Majesty."

(7.) "Her Majesty" shall include Her heirs and successors to the Crown;

"British India."

(8.) "British India" shall mean the territories for the time being vested in Her Majesty by the Statute 21 & 22 Vic., cap. 106 (*An Act for the better government of India*), other than the Settlement of Prince of Wales' Island, Singapore and Malacca;

"Government of India."

(9.) "Government of India" shall denote the Governor General of India in Council, or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone, as regards the powers which may be lawfully exercised by them or him respectively;

"Local Government"

(10.) "Local Government" shall mean the person authorized by law to administer executive government in the part of British India in which the Act containing such expression shall operate, and shall include a Chief Commissioner;

"High Court."

(11.) "High Court" shall mean the highest Civil Court of appeal in such part;

"District Judge."

(12.) "District Judge" shall mean the Judge of a principal Civil Court of original jurisdiction; but shall not include a High Court in the exercise of its ordinary or extraordinary original civil jurisdiction;

"Magistrate."

(13.) "Magistrate" shall include all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure;

"Barrister."

(14.) "Barrister" shall mean a barrister of England or Ireland, or a member of the Faculty of Advocates in Scotland;

"Section."

(15.) "Section" shall denote a section of the Act in which the word occurs;

(16.) "Will"

"Will."

(16.) "Will" shall include a codicil and every writing making a voluntary posthumous distribution of property;

"Oath," "swear" nd "affidavit."

(17.) "Oath," "swear" and "affidavit" shall include affirmation, declaration, affirming and declaring in the case of persons by law allowed to affirm or declare instead of swearing;

"Imprisonment."

(18.) "Imprisonment" shall mean imprisonment of either description as defined in the Indian Penal Code;

"Son." "Father."

(19.) And in the case of any one whose personal law permits adoption, "son" shall include an adopted son, and "father" an adoptive father.

3. In all Acts made by the Governor General of India in Council after his Act shall have come into operation:—

Revival of repealed enactments.

(1.) For the purpose of reviving, either wholly or partially, a Statute, Act or Regulation repealed, it shall be necessary expressly to state such purpose;

Commencement of ime.

(2.) For the purpose of excluding the first in a series of days or any other period of time, it shall be sufficient to use the word "from;"

Termination of time.

(3.) For the purpose of including the last in a series of days or any other period of time, it shall be sufficient to se the word "to";

Official chiefs and ubordinates.

(4.) For the purpose of expressing that a law relative to the chief or superior of an office, shall apply to the deputies or subordinates lawfully executing the duties of such office in the place f their superior, it shall be sufficient to prescribe the duty of the superior;

Successors.

(5.) For the purpose of indicating the relation of a law to the successors of any functionaries, or of corporations having perpetual succession, it shall be sufficient to express its relation to the unctionaries or corporations; and

Substitution of functionaries.

(6.) For the purpose of indicating the application of a law to every person or number of persons for the time being executing the functions of an office, it shall be sufficient to mention the

the official title of the officer at present executing such functions, or that of the officer by whom the functions are commonly executed.

Duty may be taken *pro rata*.

4. Whenever by any Act or Regulation now in force or hereafter to be in force, any duty of customs or excise or in the nature thereof is leviable on any given quantity, by weight, measure or value, of any goods or merchandize, a like duty shall be leviable according to the same rate on any greater or less quantity.

Recovery of fines.

5. The provisions of sections sixty-three to seventy, both inclusive, of the Indian Penal Code, and of section sixty-one of the Code of Criminal Procedure, shall apply to all fines imposed under the authority of any Act hereafter to be passed, unless such Act shall contain an express provision to the contrary.

Matters done under an enactment before its repeal to be unaffected.

6. The repeal of any Statute, Act or Regulation, shall not affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced before the repealing Act shall have come into operation.

Judicial notice to be taken of Acts.

7. All Courts of Justice, whether exercising civil or any other jurisdiction, and all persons having by law or consent of parties authority to receive evidence, shall take judicial notice of all Acts and Regulations heretofore made, or hereafter to be made, by the Governor General of India in Council, the Governor of Madras in Council, the Governor of Bombay in Council and the Lieutenant Governor of Bengal in Council, or by the like authority in other parts of British India, whether the same be of a public or of a private nature.

Recital to be *primâ facie* evidence of truth of fact recited.

8. Any recital contained in any Act of the Governor General of India in Council heretofore made or hereafter to be made, shall be deemed by all such Courts and persons to be *primâ facie* evidence of the truth of the fact recited.

Office Supdt. Govt. Printing.—No. 94 L. C.—9-1-68.—3,000.

ACT No. II of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 24th January* 1868)

An Act to alter the rate of duty leviable on pepper exported from Cochin.

Preamble.

WHEREAS Act No. III of 1861 (*to provide for the collection of duty of customs on pepper exported by sea from the British port of Cochin*) provides that a duty of fifteen rupees a candy shall be levied on all pepper exported by sea from the British port of Cochin; and whereas the Indian Customs Duties' Act, 1867, provides that a duty of three per cent. shall be levied on pepper exported from British India; and whereas the Governments of Travancore and Cochin have recently reduced the duty on pepper exported from their ports, from rupees fifteen to rupees nine per candy; and whereas it is expedient that the duty leviable on pepper so exported from the said port should not exceed the said reduced duty; It is hereby enacted as follows:—

Duty leviable on pepper exported by sea from Cochin.

1. In lieu of the duty prescribed by the said Acts or either of them, there shall be levied a duty not exceeding nine rupees a candy on all pepper exported by sea from the said port of Cochin; and the Governor of Fort St. George in Council may from time to time determine the exact rate of duty to be levied under this Act.

Act to be read with Act No. III of 1861.

2. This Act shall be read with and taken as part of the said Act No. III of 1861.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 737 L. C. A.—31-1-68.—2,500.

ACT No. III of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 7th February* 1868.)

An Act to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár.

Local Government may invest persons with certain powers.

1. The Local Government may, by notification in the official *Gazette*, invest any person with the powers of an Assistant Commissioner with full powers, or of an Assistant Commissioner with special powers, or of an Assistant Commissioner with ordinary powers, or of a Tahsíldár, as described in Act No. XIX of 1865, within such local limits as it may think proper, and may from time to time withdraw any of such powers.

The Local Government may also by such notification as aforesaid direct that any of the powers conferred under this Act shall be exercised only with reference to such class of suits as may be specified in the notification.

Decision of Court consisting of persons exercising powers under Act.

2. When any of the powers conferred under this Act shall be exercised by three or more persons, sitting together as a Court and each invested with the same powers, the decision of the majority of such persons shall be deemed to be the decision of the Court.

Saving of past decrees.

3. All decrees and proceedings heretofore passed and taken by any person invested by the Local Government, otherwise than under Act No. XIX of 1865, with powers to try and decide civil suits, shall be as valid as if this Act had then been passed and such powers had been conferred hereunder.

4. This

PRICE TWO ANNAS.

Extent of Act.

4. This Act shall extend only to the territories for the time being under the government of the Lieutenant Governor of the Panjáb.

Office Supdt Govt. Printing.—No. 1097 L. C.—12-2-68.—2600.

ACT No. IV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 14*th February* 1868.)

An Act to exempt certain villages in the Bombay Presidency from the operation of the Regulations and Acts in force in that Presidency.

Preamble.

WHEREAS the villages mentioned in the schedule to this Act have, by virtue of the enactments hereinafter specified, been brought under the operation of the Regulations and Acts in force in the Presidency of Bombay: And whereas it is expedient to exempt such villages from the operation of the Regulations and Acts aforesaid; It is hereby enacted as follows:—

Repeal of enactments.

1. So much of Regulation XXIX of 1827 of the Bombay Code, and of Act No. VI of 1842 of the Governor General of India in Council, and of Act No. III of 1863 of the Governor of Bombay in Council, as relates to the said villages, is hereby repealed.

SCHEDULE.

NAME OF VILLAGE.	DISTRICT.	Law by which each Village was brought under the Regulations and Acts of the Presidency of Bombay.
1. The Punt Sucheo's Village of Aptee, Turuf Hirdus, Mawul	Poona ...	Bombay Regulation XXIX of 1827.
2, 3, 4. The Punt Sucheo's Villages of Watar, Bhambourdy, and Goonund in that part of the Turufs of Neer Thurree and Seerwul which lies north of the Neera River		
5. The Duflay's Village of Moochundee in Pergunna Jutt	Belgaum ...	Act VI of 1842.
6. The Sangleekur's Village of Dorlee in Kuryat Sawurday	Sattara ...	Bombay Act III of 1863.
7. The Sangleekur's Village of Borgaum in Kuryat Digraj		
8. The Meerujkur's Village of Dooput Borgaum in Kuryat Doodgaum		
9. The Village of Sungum Mahoolee, Turuf Wundun, belonging to the Punt Prithinidhee ..		
10. The Village of Kinhee, Summut Koreygam, belonging to the Punt Prithinidhee ...		

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 836 L. C.—21-2-68.—2500.

ACT No. V of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March 1868).

An Act to enable the Governor of Bombay in Council to delegate to the Commissioner in Sind certain of the powers of a Local Government.

Governor of Bombay in Council may delegate to Commissioner in Sind certain powers of Local Government.

1. It shall be lawful for the Governor of Bombay in Council, by a notification published in the Bombay Government *Gazette*, to delegate to the Commissioner in Sind all or any of the powers conferred on the said Governor in Council, as the Local Government of the Province of Sind, by any of the Bombay Regulations, or by any Act of the Governor General of India in Council solely applicable to the Presidency of Bombay, or by any Act passed heretofore or hereafter by the Governor of Bombay in Council, or by any of the Acts of the Governor General of India in Council mentioned in the schedule to this Act.

Governor of Bombay in Council may, with consent of Governor General in Council, delegate to Commissioner of Sind certain powers of Local Government.

2. It shall be lawful for the Governor of Bombay in Council, with the consent of the Governor General of India in Council, to delegate to the Commissioner in Sind all or any of the powers heretofore or hereafter conferred by any Act of the Governor General of India in Council on the Governor of Bombay in Council as the Local Government of the Province of Sind.

Validation of acts of Commissioner.

3. All acts done by the Commissioner in Sind under the authority of any power so delegated, shall be as valid as if they had been done by the Governor of Bombay in Council.

PRICE TWO ANNAS.

SCHEDULE.

ACT No. V OF 1868.

SCHEDULE.

Act XXVI of 1850 (to enable improvements to be made in Towns).

Act VII of 1854 (for the apprehension within the territories under the Government of the East India Company, of persons charged with the commission of heinous offences beyond the limits of the said territories, and for delivering them up to justice, and to provide for the execution of warrants in places out of the jurisdiction of the authorities issuing them).

Act XXV of 1861 (for simplifying the Procedure of the Courts of Criminal Judicature not established by Royal Charter).

Act VI of 1863 (to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India).

Act VII of 1865 (to give effect to Rules for the management and preservation of Government Forests).

Office Supdt. Govt. Printing.—No. 2297 L. C. A.—20-3-09.—2,500

THE MUNICIPAL IMPROVEMENTS' (N. W. P.) ACT.

CONTENTS.

PART I.

PRELIMINARY.

SECTION.

1. Short title.
2. Interpretation clause.
3. Power to extend Act.
4. Power to define limits of places to which Act extends.
5. Existing Committees to be deemed Committees under this Act.

PART II.

APPOINTMENT OF MUNICIPAL COMMITTEES.

6. Committees appointed by Lieutenant Governor or election.
   Removal of members.
   Ex officio members.
7. Appointment of president and vice-president.
   Appointment of secretary.
   Notification of appointments.

PART III.

OFFICE AND MEETINGS OF COMMITTEES.

8. Committee to have an office.
9. Chairman at meetings.
   Quorum.
   Dissolution.
   Adjournment.
   Voting.
   Casting vote.
   Publication of proceedings.
10. Correspondence between Committee and Local Government.

PRICE EIGHT ANNAS.

SECTION.

PART IV.

POWERS OF COMMITTEES.

11. Power to make assessments and levy taxes.
12. Taxes to be confirmed.
Rules for confirmation and collection of taxes.
13. No rate invalid for defect of form.

Rules and Bye-laws.

14. Power of Committees to make rules.
15. Enforcement of rules and regulations.
16. Power to make bye-laws as to nuisances, and registration of births, marriages and deaths.
17. Confirmation of bye-laws.
Publication of bye-laws.

Nuisances.

18. Power to prohibit repetition or continuance of nuisances.
19. Power to remove nuisances.

Purchase and sale of Land.

20. Power to buy and sell land for purposes of Act.
Receipts.

Controlling power of Lieutenant Governor.

21. Cancellation and suspension of proceedings of Committee.
Abolition of taxes.

PART V.

RIGHTS, DUTIES AND LIABILITIES OF COMMITTEES.

Municipal Fund.

22. Municipal fund.
23. Custody and disbursement of municipal fund.
24. Duties of Committees.
Contracts.

Municipal Police.

25. Provision for Police.
26. Police to aid in carrying out orders regarding nuisances.

Annual Reports.

27. Annual reports and statements to be submitted.

Public Highways.

28. Right of Committee in public highways.

SECTION.

Land required for Public Purposes.

29. Land required for municipal purposes may be taken up under Act No. VI of 1857.

Suits by and against Committees.

30. Suits by and against Committees.
Members not personally liable for contracts made by Committee.
Liability of members for breach of trust.
31. Notice previous to suing Committee or their officers.

PART VI.

PENALTIES AND PROSECUTIONS AND RECOVERY OF TAXES.

32. Penalty on member or servant of a Committee being interested in contracts made with Committee.
33. Penalty for infringement of bye-laws or non-payment of fines.
34. Prosecutions.
35. Recovery of taxes.

ACT No. VI of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 20th March* 1868.)

An Act to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes.

Preamble.

WHEREAS it is expedient to make better provision for the appointment of Municipal Committees in the North-Western Provinces of the Presidency of Fort William, and for the police, conservancy and local improvements, and for education and for the levying of rates and taxes, in the places to which this Act may be extended; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Municipal Improvements' (North-Western Provinces) Act, 1868."

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Committee."

"Committee" means a Municipal Committee appointed under the provisions of this Act;

"Municipality."

"Municipality" means any town or towns to which this Act may be extended;

"Lieutenant Governor."

"Lieutenant Governor" means the Lieutenant Governor of the said Provinces.

Power to extend Act.

3. The Lieutenant Governor may extend this Act, by notification in the local official Gazette, to any town or towns in the territories under his government.

4. For

Power to define limits of places to which Act extends.

4. For the purposes of this Act, the Lieutenant Governor may from time to time, by notification in the local official Gazette, define the limits of any town, and may include within the limits of such town any Railway station, village, building or land in the vicinity:

Provided that no cantonment shall, without the previous consent of the Governor General of India in Council, be deemed to be a town for the purposes of this Act.

The Lieutenant Governor may from time to time, by notification in the local official Gazette, declare to be united for the purposes of this Act any two or more towns, and may also declare by what name the municipality so formed shall be designated.

Existing Committees to be deemed Committees under this Act.

5. All Municipal Committees hitherto appointed under the orders of the Lieutenant Governor shall be deemed Committees under this Act, and shall continue in office until a Committee shall have been appointed or elected under section six.

Act No. XXVI of 1850 (*to enable improvements to be made in towns*) shall cease to have effect in the towns into which it has been introduced, except as to any act done or liability incurred under it:

Provided that all rules made and taxes imposed under Act No. XXVI of 1850, which have been approved by the Lieutenant Governor, shall continue in force and recoverable as if they had been made and imposed under the provisions of this Act.

PART II.

APPOINTMENT OF MUNICIPAL COMMITTEES.

Committees appointed by Lieutenant Governor or election.

6. In any municipality to which this Act shall have been extended, the Lieutenant Governor may appoint or direct to be appointed by election, for such period not exceeding two years as to him may seem fit, any number of the inhabitants of such municipality, to be members of a Committee for carrying out the purposes of the Act.

The

The persons so appointed shall continue in office for two years or until their successors shall have been appointed, and shall be eligible for re-appointment.

In cases when the Lieutenant Governor directs the appointment to be by election, he may fix the time and manner of the election and the qualification of the electors, and generally may make such rules as he shall think fit for regulating the election.

Removal of members.

The Lieutenant Governor may from time to time remove any of the members of the Committee so appointed who shall desire to be discharged or refuse or become incapable to act, or be convicted of an offence punishable under the Indian Penal Code with imprisonment for a term of not less than six months. The Lieutenant Governor may also, if he think fit, on the recommendation of the Committee, add to their number, and fill up vacancies occurring among them.

Every member so appointed shall have the same powers and be subject to the same liabilities and vacate his office and be eligible for re-appointment as if he had been originally appointed a member under the first clause of this section.

Ex officio members.

In addition to the members appointed as aforesaid, the Lieutenant Governor shall have power to appoint, by notification in the official Gazette, *ex officio* members of the Committee for every place in which they exercise their offices and to which this Act shall have been extended :

Provided that the number of such *ex officio* members shall not be more than one-third of the total number of the Committee.

Appointment of president and vice-president.

7. The Lieutenant Governor may also appoint the president and vice-president, or either of them, of any Committee, or sanction the election by any Committee of one of their members as president or as vice-president.

Appointment of secretary.

The Committee may appoint any one of their members or any other person to be their secretary.

Notification of appointments.

All appointments made under this section shall be notified in the local official Gazette.

PART III.

PART III.

OFFICE AND MEETINGS OF COMMITTEES.

Committee to have an office.

8. The Committee shall have an office, where they shall meet for the transaction of business at least once in every month.

Chairman at meetings.

9. The president, or in his absence the vice-president, shall take the chair at every meeting of the Committee. In the absence of both the president and vice-president, the members present may elect a chairman for the occasion.

The meetings shall be either general or special.

The president or vice-president may whenever he thinks fit, and he shall, upon a requisition made in writing by not less than one-fifth in number of the members, convene a meeting.

Notice shall be given of every such meeting, and when the meeting is to be special, at least three days' notice thereof shall be given. Every notice shall state the general nature of the business to be transacted at the meeting proposed to be called.

Quorum.

The quorum necessary for the transaction of business at a general meeting shall be three.

The quorum necessary for the transaction of business at a special meeting shall be one-half of the total number of members at the time of the meeting; and at least two-thirds of such quorum shall consist of non-official members.

Dissolution.

If within one hour from the time appointed for the meeting a quorum is not present, the meeting, if summoned by the president or vice-president, shall be dissolved.

Adjournment.

In any other case it shall stand adjourned to the same day in the next week at the same time and place. And if at such adjourned meeting a quorum is not present, it shall be adjourned *sine die*.

All business may be transacted at a general meeting which this Act does not require to be transacted at a special meeting.

All

All questions which may come before the Committee at any meetings shall be decided by a majority of votes. Every member shall have one vote. In case of equality of votes, the chairman shall have a casting vote.

Voting.

Casting vote.

Such decisions shall be recorded in a book kept for the purpose, and shall be published in some local English or vernacular newspaper, or in such other manner as the Lieutenant Governor may from time to time direct.

Publication of proceedings.

10. All correspondence between the Committee and the Local Government shall pass through the Commissioner of the Division.

Correspondence between Committee and Local Government.

The Commissioner of the Division shall be entitled to make such suggestions for the consideration of the Committee as he may deem fit ; and the Committee shall furnish him with any information he may call for connected with the duties imposed upon them by this Act.

PART IV.

POWERS OF COMMITTEES.

11. The Committee may at a special meeting define the persons or property within the municipality to be taxed for the purposes of this Act and the amount or rate of the taxes to be imposed.

Power to make assessments and levy taxes.

If such taxes receive the sanction of the Lieutenant Governor, but not otherwise, the Committee may at a special meeting impose them accordingly.

The Committee may, at a special meeting, with the same sanction, cancel or vary any tax so imposed.

Such taxes may be all or any of the following:—

(1).—A tax on houses, buildings and lands according to the annual value thereof, not exceeding seven and a half per cent. of such value:

(2).—A tax on professions and trades:

(3).—Taxes

(3).—Taxes on carriages, horses, mules, elephants, camels, bullocks and asses:

(4).—Tolls on carriages, carts and animals entering the limits of the municipality:

(5).—An octroi on articles brought within the said limits for consumption or use therein: Provided that a list of such articles shall have been submitted to and approved by the Lieutenant Governor: Provided also, that the Lieutenant Governor shall have power to exempt from the octroi any such articles intended for consumption or use by any class of persons or animals.

No other species of tax shall be imposed without the previous sanction of the Governor General of India in Council.

Taxes to be confirmed.

12. No tax shall be collected until it shall have been confirmed by such persons and in such manner as the Lieutenant Governor shall appoint.

Rules for confirmation and collection of taxes.

The Lieutenant Governor may from time to time make rules as to the persons by whom and the manner in which any assessment of taxes under this Act shall be confirmed and for the collection of such taxes.

The Lieutenant Governor may from time to time repeal, alter or add to such rules.

No rate invalid for defect of form.

13. No rate on property made under this Act shall be invalid for defect of form, and it shall be enough, in any such rate on property or any assessment of value for the purpose of making such rate, if the property rated or assessed shall be so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Rules and Bye-laws.

Power of Committees to make rules.

14. Every Committee may at a special meeting make rules consistent with this Act, for regulating the time and place of their meeting, the conduct of their business, the restricting of the amount or objects of expenditure under section twenty-four, the division of duties among the

the members of the Committee, the salaries, appointment, suspension and removal of the officers and servants of the Committee, and other similar matters.

Enforcement of rules and regulations.

15. The Committee may appoint one or more of their number to carry out their resolutions, and to enforce the rules and bye-laws made under the provisions of this Act for the protection of the public health, or they may appoint a special officer for such purposes.

Power to make bye-laws as to nuisances, and registration of births, marriages and deaths.

16. The Committee may at a special meeting make bye-laws for defining, prohibiting and removing nuisances which are not public or common nuisances under the Indian Penal Code, or under Act No. V of 1861 (*for the regulation of Police*), and for the securing of a proper registration of births, marriages and deaths, and for carrying out all or any of the purposes of this Act.

The Committee may from time to time at a special meeting repeal, alter or add to such bye-laws.

Confirmation of bye-laws.

17. No bye-law and no alteration or repeal of, or addition to, a bye-law shall have effect until it shall have been confirmed by the Lieutenant Governor.

Publication of bye-laws.

All bye-laws made under this Act and all rules made under section fourteen, and all alterations and repeals of, and additions to, such bye-laws and rules shall be published for such length of time and in such manner as the Lieutenant Governor shall from time to time direct.

Nuisances.

Power to prohibit repetition or continuance of nuisances.

18. Every Committee may enjoin within the limits of the municipality any person not to repeat or continue a public nuisance. Every such injunction shall be deemed to have been made by a public servant.

Power to remove nuisances.

19. Every Committee which the Lieutenant Governor shall authorize in this behalf may, so long as such authorization continues, exercise the powers of a Magistrate of a District as described in section 308 of the Code of Criminal Procedure for the removal of nuisances, and in the exercise of such powers shall follow the procedure prescribed in chapter XX of the same Code.

20. Any

Purchase and Sale of Land.

Power to buy and sell land for purposes of Act.

20. Any Committee may at a special meeting, and with the previous sanction of the Lieutenant Governor, purchase land for the purposes of this Act, and may at a like meeting and with the like sanction sell any portion of such land which is not required for the purposes aforesaid, and convey the same in the names of the president and two of the members of the Committee.

Receipts.

The receipt of the president and any two members of the Committee for any monies paid to them upon any such sale shall effectually discharge the persons paying the same therefrom, or from being concerned to see to the application thereof, or being accountable for the non-application or misapplication thereof, and the proceeds of any such sale shall be applied for the purposes of this Act.

Controlling Power of Lieutenant Governor.

Cancellation and suspension of proceedings of Committee.

21. The Lieutenant Governor may by order cancel, suspend or limit any of the acts, proceedings or rules of any Committee.

Abolition of taxes.

The Lieutenant Governor may also abolish any tax which shall have been sanctioned under the provisions hereinbefore contained, but not so as to entitle any person to a refund of monies paid in respect of such tax.

PART V.

RIGHTS, DUTIES AND LIABILITIES OF COMMITTEES.

Municipal Fund.

Municipal fund.

22. All sums received by the Committee of any municipality to which this Act extends, and all fines levied under this Act, and all receipts from property entrusted to and managed by the Committee, shall constitute a fund which shall be called the Municipal Fund of such municipality, and shall, together with all property which may become vested in such Committee, be under their control, and shall be applied by them as trustees for the purposes of this Act.

23. The

23. The funds of every Committee shall be kept in the Government Treasury of the District, or in the Bank (if any) to which the Government Treasury business shall have been made over.

Custody and disbursement of Municipal Fund.

No disbursement of such funds or any part thereof shall be made except under the signature of the president or vice-president and one other member of the Committee.

24. Every Committee, subject to such rules restricting the amount or the objects of expenditure as it shall make at a special meeting, and so far as the Municipal Fund at their disposal will permit, shall, after providing out of such fund for a police establishment in the manner hereinafter mentioned, keep the public streets, roads, drains, tanks and water-courses of the municipality for which they are appointed, clean and in repair,

Duties of Committees.

and may cause such streets and roads or any of them to be watered and lighted,

and may construct and provide for the management of poor-houses, dispensaries, market-places and other works of general utility,

and generally may do all acts and things necessary for the purposes of conservancy, and local improvement.

The Committee may also make provision, by the establishment of new schools or the aiding of already existing schools, or otherwise, for the promotion of education in the municipality for which such Committee is appointed.

Every contract made on behalf of any Committee in respect of any sum exceeding rupees twenty, or in respect of any property exceeding rupees twenty in value, shall be in writing, and shall be signed by the president or vice-president and at least two other members of the Committee, of whom one shall be an *ex officio* member. Unless so executed, it shall not be binding on the Committee.

Contracts.

Municipal Police.

25. Every Committee shall provide in the first place from its funds for the maintenance of the police establishment in the municipality.

Provision for police.

The

The municipal police shall be appointed under such Act of the Governor General in Council as may be applicable to the town, and their number shall be fixed by the Committee in consultation with the Inspector General of Police, subject to the final decision of the Lieutenant Governor.

Police to aid in carrying out orders regarding nuisances.

26. Every officer of police in any municipality to which this Act shall have been extended shall have power to take into custody without a warrant any person who, within his view, commits any of the offences mentioned in section 34 of Act No. V of 1861 (*for the regulation of Police*), and shall be bound to carry out the orders issued by the Committee for the prohibition and prevention of public nuisances, or nuisances defined to be such by any bye-law made under this Act.

Annual Reports.

Annual reports and statements to be submitted.

27. Every Committee shall annually, or oftener if directed by the Lieutenant Governor to do so, submit statements of their receipts on account of and disbursements from the Municipal Fund, and also reports of all works executed or proceedings taken by them under the authority of this Act.

The Committee shall also submit, at such time and in such form as may be directed by the Lieutenant Governor, an estimate of their probable receipts for the financial year next following, with proposals for their expenditure.

An abstract of such estimate and proposals shall, on being so submitted, be published in such manner as the Lieutenant Governor shall from time to time direct.

The Lieutenant Governor may from time to time make rules consistent with this Act, as to the cost and the class of works which the Committee may execute, and the Committee shall be legally bound to obey such rules.

Public Highways.

Right of Committee in public highways.

28. All public highways in any municipality in which this Act is in force, not specially reserved by Government, together with all erections thereon and all materials thereof, shall be vested in and belong to the Committee.

29. When

Land required for Public Purposes.

Land required for municipal purposes may be taken up under Act No. VI of 1857.

29. When any land within the limits of any municipality to which this Act is extended is required for the construction or improvement of a highway, for the promotion of the healthiness of the neighbourhood, or for any other public purpose, if the Committee cannot agree with the owner for the purchase thereof, the Lieutenant Governor, on the recommendation of the Committee, may notify in the local official Gazette that such land is required under the provisions of Act No. VI of 1857 (*for the acquisition of land for public purposes*), and on payment by the Committee of the compensation awarded under such Act, the land shall vest in them for the purposes of this Act.

Suits by and against Committees.

Suits by and against Committees.

30. Every Committee shall sue and be sued in the name of their president.

Members not personally liable for contracts made by Committee.

No member of a Committee shall be personally liable for any contract made or expense incurred by or on behalf of the Committee, but the funds from time to time in the hands of the Committee shall be liable for and chargeable with all contracts made in the manner above provided for.

Liability of members for breach of trust.

Every member of a Committee shall be liable for any misapplication of money entrusted to the Committee to which he shall have been a party, or which shall happen through or be facilitated by the neglect of his duty, and he shall be liable to be sued for the same in such Court as the Lieutenant Governor shall direct as for money due to Government.

Notice previous to suing Committee or their officers.

31. No suit shall be brought against a Committee or any of their officers, or any person acting under their direction, for anything done under this Act until the expiration of one month next after notice in writing shall have been delivered or left at the office of the Committee, or at the place of abode of such person, stating the cause of suit and the name and place of abode of the intending plaintiff.

Unless such notice be proved, the Court shall find for the defendant.

Every

Every such suit shall be commenced within three months next after the accrual of the cause of the suit and not afterwards.

If any person to whom any such notice of suit is given shall, before suit is brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

PART VI.

PENALTIES AND PROSECUTIONS AND RECOVERY OF TAXES.

Penalty on member or servant of a Committee being interested in contracts made with Committee.

32. No member of a Committee or servant of a Committee shall be interested directly or indirectly in any contract made with the Committee, and if any such person be so interested, he shall thereby become incapable of continuing in office or in employment as such member or servant, and shall be liable to a fine of rupees five hundred:

Provided always that no person shall be disqualified from acting as a member or servant of a Committee by being a shareholder in or member of any incorporated or registered Company by reason of any contract entered into between such Company and the Committee.

Penalty for infringement of bye-laws or non-payment of fines.

33. Whoever infringes any bye-law made and confirmed as directed in this Act, shall be liable to a fine not exceeding rupees fifty, and in the case of a continuing infringement, to a fine not exceeding rupees five, for every day after notice from the Committee of such infringement.

In default of payment of any fine imposed under this section, the defaulter shall, in the case of a continuing infringement, be liable to imprisonment for a term not exceeding one month; and in any other case, to imprisonment for a term not exceeding eight days.

Prosecutions.

34. Prosecutions under this Act for infringements of rules or bye-laws may be instituted before any Magistrate by the Committee or any person authorized by the Committee in this behalf.

Recovery of taxes.

35. All arrears of taxes imposed under this Act may be recovered as if they were fines, in the manner prescribed in section 61 of the Code of Criminal Procedure.

Office Supdt. Govt. Printing.—No. 3109 L. C.—16-4-68.—3,000.

ACT No. VII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 27*th March* 1868.)

An Act to amend the law relating to Appeals and Reviews of Judgment in the Panjáb.

Preamble.

WHEREAS it is expedient to amend the law relating to appeals and reviews of judgment in the Courts established in the Panjáb; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Panjáb Appeals' Act, 1868."

Extent of Act.

Commencement and continuance of Act.

2. This Act shall extend only to the territories for the time being under the government of the Lieutenant Governor of the Panjáb. It shall come into operation from the thirtieth day of April 1868, in regard to all appeals preferred after that day, and shall continue in force to the thirtieth day of April 1873:

Provided that, as to such appeals (if any) as shall before the day last mentioned have been preferred under the provisions herein contained, and shall not have been disposed of, this Act shall remain in force until such appeals shall have been disposed of as aforesaid.

Appeals when to lie.

3. Except when otherwise provided in this Act or any other Act in force for the time being, an appeal shall lie from the decrees of the Courts of original and appellate jurisdiction to the Courts authorized under Act No. XIX of 1865 (*The Panjáb Courts' Act*) and Act IV of 1866 (*The Panjáb Chief Court Act*) to hear appeals.

Code of Civil Procedure to apply to appeals.

4. All appeals falling within the jurisdiction of the Courts established in conformity with the said Acts shall, save as in the said Acts and in this Act is otherwise provided, be regulated by the Code of Civil Procedure.

PRICE TWO ANNAS.

5. If

Second regular appeals.

5. If the decision of a Deputy Commissioner or of a Commissioner passed in regular appeal reverse or modify the decision of the Court of original jurisdiction on a point material to the merits of the case, the Commissioner, where the decision shall have been passed on regular appeal by the Deputy Commissioner, and the Chief Court where the decision shall have been passed on regular appeal by the Commissioner, may receive a second appeal, if, on a perusal of the grounds of appeal and of copies of the judgments of the Courts below, a further consideration of the case appear to the Commissioner or the Chief Court (as the case may be) requisite for the ends of justice.

Time for presenting appeal.

6. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, accompanied by copies of the judgments of the lower Courts, shall be presented in the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, within sixty days if the appeal lie to the Court of a Deputy Commissioner or Commissioner, and within ninety days if the appeal lie to the Chief Court.

The period shall be reckoned from and exclusive of the day on which the judgment and decree appealed against was pronounced and also exclusive of such time as may be requisite for obtaining a copy of the judgment and decree from which the appeal is made.

Confirmation of decision of lower Court.

7. When a memorandum of appeal, or an application for the admission of a special appeal, has been registered, the Appellate Court may, if it sees fit, after fixing a time for hearing the appellant or his pleader, and hearing him accordingly if he appears at such time, confirm the decision of the lower Court, without sending intimation of the appeal to such Court and without issuing notice to the respondent.

Chief Court may remove appeals.

8. The Chief Court of the Panjáb may, whenever it thinks proper to do so, either on the agreement of the parties to that effect or for purposes of justice, remove and try any appeal falling within the jurisdiction of any Court subject to its superintendence.

9. Any

9. Any person considering himself aggrieved by a decree of a Court of original jurisdiction from which no appeal shall have been preferred to a superior Court, or by a decree of a District or Divisional Court from which no regular or special appeal shall have been admitted by the Chief Court, or by a decree of the Chief Court from which either no appeal may have been preferred to Her Majesty in Council, or, an appeal having been preferred, no proceedings in the suit have been transmitted to Her Majesty in Council, and who, from the discovery of new matter or evidence which was not within his knowledge, or could not have been adduced by him at the time when such decree was passed, or from any other good or sufficient reason, may be desirous of obtaining a review of the judgment passed against him, may apply for a review of judgment by the Civil Court which passed the decree, or by any Court to which the business of the former Court has been transferred.

Review of judgment.

Except as hereinbefore provided, the judgments of the Civil Courts established in conformity with the said Acts and with Act No. III of 1868 (*to authorize the Local Government of the Panjáb to invest any person with the powers of an Assistant Commissioner or Tahsíldár*) shall not be subject to revision.

10. If in any suit pending when this Act comes into operation, it appears to the Court that the application of its provisions would deprive any party to a suit of a right of appeal which, but for the passing of this Act, would have belonged to him, the Court shall proceed according to the law in force immediately before this Act takes effect.

Pending suits.

Office Supdt. Govt. Printing.—No. 3109 L. G.—15-4-68.—3000.

ACT No. VIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 2nd April* 1868.)

An Act for repealing certain enactments which have ceased to be in force or have become unnecessary.

Preamble

WHEREAS it is expedient that certain enactments (mentioned in the schedule to this Act) which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, or which merely repeal prior enactments, should be expressly and specifically repealed; It is hereby enacted as follows:—

Enactments in schedule repealed.

1. The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule:

Provided that the repeal by this Act of any enactment shall not affect any Act or Regulation in which such enactment has been applied, incorporated or referred to:

And this Act shall not affect the validity or invalidity of anything already done or suffered, or any right or title already acquired, or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing:

Nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized, or derived by, in or from, any enactment hereby repealed:

Nor

PRICE NINE ANNAS.

Nor shall this Act provide or restore any jurisdiction, office, usage, custom, privilege, restriction, exemption, usage or practice not now existing, or in force:

Nor shall this Act affect any duties leviable on salt or opium.

Short title.

2. This Act may be cited as "The Repealing Act, 1868."

SCHEDULE.

No. of Act.	Subject or Title of Act.	Extent of Repeal
I of 1834	Governor General	The whole.
I of 1835	Governor of Madras	The whole.
III of 1835	Revenue	The whole.
IV of 1835	Calcutta Justices of the Peace	The whole.
V of 1835	Munsifs' fees (Madras)	The whole.
VII of 1835	Sessions Judges	The whole.
XII of 1835	Sanads (Madras)	The whole.
XIV of 1835	Bombay Magistracy	So much as has not been repealed.
XVI of 1835	Indigo contracts	The whole.
XVII of 1835	Gold and silver coinage	So much of section 8 as provides that the gold coins therein specified shall bear the words 'East India Company.'
II of 1836	Bombay Customs	So much as has not been repealed.
III of 1836	Cattle-duty (Salsette)	The whole.
IV of 1836	Insolvent-debtors	The whole.
V of 1836	Executions	The whole.
VII of 1836	Municipal taxes (Bombay)	The whole.
X of 1836	Indigo contracts	Section 5.
XI of 1836	Repeal of 53 Geo. iii, c. 105, s. 107. Exemption from Jurisdiction.	The whole.
XII of 1836	Sicca Rupees	The whole.
XVI of 1836	Commissioner's Wakil (Madras)	The whole.
XVII of 1836	Begum Sumroo	The whole.
XIX of 1836	Bank of Bengal	So much as has not been repealed.
XXIV of 1836	Native Judges (Madras and Bombay)	The whole.
XXIX of 1836	Sadr Amins' fees (Madras)	The whole.
I of 1837	Justices of the Peace (Calcutta)	The whole.

ACT No. VIII of 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
IX of 1837	Parsees' Landed Property	The whole.
XI of 1837	Bombay Regulation I. 1820...	The whole.
XIII of 1837	Courts Martial (Bombay)	The whole.
XIV of 1837	Foreign Bottoms	The whole.
XIX of 1837	Evidence	The whole.
XXIV of 1837	Mofussil Police (Bengal)	The whole.
XXVI of 1837	Governor General	The whole.
XXVIII of 1837	Stamp Officer (Bengal)	The whole.
XXIX of 1837	Persian Language (Bengal)	The whole Act, except so far as it gives power to prescribe the language and character to be used in revenue and judicial proceedings and to delegate such power.
XXXIV of 1837	Judiciary system (Madras)	The whole.
XXXVIII of 1837	Local Agents (Bengal)	The whole.
IV of 1838	Perjury (Bombay)	The whole.
XIV of 1838	Gánja and Bhang (Madras)	The whole.
XV of 1838	Bombay Regulation XII. 1827, section 35, clause 1 ...	The whole.
XXIV of 1838	Bank of Bengal	So much as has not been repealed.
XXV of 1838	Wills	The whole Act, except as to Wills made before first January 1866.
XXVIII of 1838	Supreme Court—Perjury	The whole Act, except as to the Straits' Settlement.
XXXI of 1838	Supreme Courts—Criminal Law	The whole Act, except sections 30 and 31.
III of 1839	British subjects	So much as has not been repealed.
XI of 1839	Institution fees on appeal to Privy Council	The whole.
XIII of 1839	Port-dues (Madras)	Sections 1, 2, 3, 4, and so much of section 6 as relates to the Madras Presidency.
XXII of 1839	An Act for enabling persons charged with offences to make their defence more effectually.	The whole Act, except section 4.
XXV of 1839	An Act for the Presidency of Bombay, limiting the powers of Collectors as Magistrates and Assistant Collectors as Deputy Magistrates in certain cases.	The whole.

ACT No. VIII of 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXIX of 1839	An Act for the amendment of the Law relating to Dower...	The whole Act, except as to marriages contracted before first January 1866.
XXX of 1839	An Act for the amendment of the Law of Inheritance...	The whole Act, except as to intestacies occurring before first January 1866.
XXXI of 1839	An Act for remedying certain defects in the Statute 9th Geo. iv, cap. 74, relating to the coin.	The whole.
VII of 1840	An Act for authorizing the appointment of uncovenanted servants to the offices of Deputy Register and Assistant Register to the Sudder Courts of the Presidency of Fort William in Bengal.	The whole.
IX of 1840	An Act for amending the law administered in Her Majesty's Courts of Justice with reference to arbitrations, damages, and interested witnesses.	The whole Act, except section 2.
X of 1840	An Act for the abolition of certain pilgrim taxes, and for the superintendence of the Temple of Juggernath.	Sections 1 and 4.
XX of 1840	An Act for declaring the law touching the liability of auction purchasers of permanently assessed estates under Section 21, Regulation XI. of 1822, of the Bengal Code.	The whole.
XXI of 1840	An Act concerning suits instituted under the provisions of Regulation XLIX. of 1793, prior to, and pending at the date of the enactment of Act IV of 1840.	The whole.
V of 1841	An Act for the greater uniformity of the process upon trials for State offences, and the amendment of such process in certain cases.	So much of sections 2 and 4 as refers to Law Officers.
XV of 1841	An Act for exempting residents within Calcutta from giving security in suits in the Mofussil Courts on certain occasions.	The whole.
XXIV of 1841	An Act for the greater uniformity of the law administered by Her Majesty's Supreme Courts with that administered in England, in regard to the undisposed residue of the effects of testators; illusory appointments; the transfer of estates by persons under disabilities pursuant to the direction of Courts, and the better management of the property of such persons, and other like matters.	The whole Act, except so far as it relates to illusory appointments and infants, and except section 5.
XXV of 1841	An Act for amending the law concerning imprisonment for contempts of decrees or orders made by Courts of Equity.	So much as has not been repealed.
XXVI of 1841	An Act for extending in cases governed by English law certain provisions of the Statute 3rd and 4th William iv., chap. 42, entitled "An Act for the further amendment of the law and the better advancement of justice."	Sections 2, 5 and 6.
XXVII of 1841	An Act for appropriating the unclaimed dividends on Insolvent Estates.	Sections 3 and 4.

ACT No. VIII of 1868.

No. of Act	Subject or Title of Act	Extent of Repeal.
XXX of 1841	An Act for repressing obstructions to justice in certain Courts of the East India Company.	So much as has not been repealed.
II of 1842	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
VII of 1842	An Act for repealing certain provisions of the Bengal Code regarding translations.	The whole.
XVI of 1842	An Act concerning the terms of leases granted by Zemindars and Proprietors.	The whole
VII of 1843	An Act for abolishing the Provincial Courts of Appeal and Circuit in the Presidency of Fort St. George, and for establishing new Zillah Courts to perform their functions; for establishing Courts constituted according to Regulations I. and II. and Regulations VII. and VIII. of 1827, in place of the existing Civil and Criminal Zillah Courts and for extending the Civil jurisdiction of such Courts.	Sections 5, 16, 24, 28, 45 and 46, and so much of sections 1, 4, 8, 20, 23 and 44 as refers to Subordinate Judges and Sadr Amíns.
VIII of 1843	An Act for disposing of the original suits and appeals depending before the Provincial Court of Appeal in the Presidency of Fort St. George, the abolition of which is authorized by Act No. VII. of 1843	The whole.
XVI of 1843	An Act regarding the offering of rewards for the apprehension of offenders.	The whole.
XX of 1843	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
XXII of 1843	An Act for amending the law relating to the jurisdiction of the Dewanny Adawlut of the Zillah of the 24-Pergunnahs.	The whole.
XXIII of 1843	An Act for amending the law relating to the jurisdiction of the Zillah Courts in the Provinces ceded by the Nawaub Vizier, and in some other places.	The whole.
I of 1844	An Act for securing certain immunities and privileges to His Highness the Nabob of the Carnatic, his family and retinue.	The whole.
IV of 1844	An Act for repealing Regulation IX. of 1808, of the Bengal Code.	The whole.
VI of 1844	An Act for abolishing the levy of transit or inland customs duties, for revising the duties on imports and exports by sea, and for determining the price at which salt shall be sold for home consumption within the territories subject to the Government of Fort St. George.	Sections 1, 2, 3, 4, 5, 42, and so much of schedules A, B and C as is not repealed.
VII of 1844	An Act for improving the law of evidence ...	The whole.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sadr Amíns and Sadr Amíns.	So much of section 3 as refers to Sadr Amíns in the presidency of Fort St. George.

ACT No. VIII OF 1868.

No. OF ACT.	SUBJECT OR TITLE OF ACT	EXTENT OF REPEAL
X of 1844	An Act to amend the law respecting the period of the execution of persons convicted of the crime of murder.	The whole.
XII of 1844	An Act for better securing the observance of an exact discipline in the Indian Navy.	The whole.
XIII of 1844	An Act for making Trisoolee Pyee no longer a legal tender within the Province of Benares, and for their withdrawal from circulation.	The whole.
IX of 1845	An Act for amending the Schedules of import duties, annexed to Act XIV. of 1836, to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.	So much as has not been repealed
XII of 1845	An Act for authorizing the employment of the uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.	The whole.
XIII of 1845	An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as attornies of the said Court.	The whole.
XXII of 1845	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
XXIII of 1845	An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.	The whole.
XVIII of 1845	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Fort St. George.	The whole.
V of 1846	An Act for placing the Police of Surat under the Magistrate.	The whole.
II of 1847	An Act to declare the meaning and extent of certain words in Act V. of 1840.	The whole.
IV of 1847	An Act to authorize the Governor in Council of Fort St. George to appoint any military officer a magistrate.	The whole.
XI of 1847	An Act to authorize the reception of convicts transported from Her Majesty's Settlement of Hong Kong.	The whole.
XII of 1847	An Act for repealing the law which authorizes the imposition of fines on Moonsiffs and Sadr Amins.	The whole.
XIV of 1847	An Act for repealing parts of section 3, Regulation IV. 1793, and section 3, Regulation III. 1803, of the Bengal Code.	The whole.
XV of 1847	An Act for the survey of lands in the town of Calcutta, within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXI of 1847	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature at Bombay.	The whole
XXIII of 1847	An Act for the amendment of Act No. XXXI of 1838 ...	The whole
VI of 1848	An Act for equalizing the duties on goods imported and exported on Foreign and British bottoms, and for abolishing duties on goods carried from port to port in the territories subject to the Government of the East India Company.	The whole
XII of 1848	An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.	The whole.
XIII of 1848	An Act for limiting the time within which a Suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.	The whole.
XXI of 1848	An Act for avoiding Wagers	Section 2.
XXII of 1848	An Act to simplify Indictments for Forgery	The whole.
XXIV of 1848	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
XXV of 1848	An Act for Restoration of the Jagheer of Bunganapilly ...	The whole.
XXVII of 1848	An Act to amend the Act XII of 1844.	The whole.
II of 1849	An Act to abolish the practice of branding and exposing Convicts.	The whole.
III of 1849	An Act to confirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.	The whole.
V of 1849	An Act for better defining the Duties of Customs and Excise.	The whole.
IX of 1849	An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George.	So much of the preamble as refers to Act No. I of 1837, and section 2.
XII of 1849	An Act for improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section 36, Regulation II. 1827, of the Bombay Code.	The whole.
XV of 1849	An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.	The whole.
IX of 1850	An Act for the more easy Recovery of Small Debts and Demands in Calcutta, Madras and Bombay.	So much of section 35 as refers to writs and processes sued out against persons privileged by Act No. I of 1844.
XXII of 1850	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.

ACT No. VIII OF 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXIX of 1850	An Act to amend Act XXXI. 1838, for the Prevention of Poisoning.	The whole.
XXX of 1850	An Act to remove doubts on the Construction of Act I. 1846, and Act IV. 1850.	So much as has not been repealed.
XXXII of 1850	An Act to repeal Act XV. 1836	The whole.
XXXIX of 1850	An Act to continue the Commissioners for the Improvement of the Town of Calcutta, pending the consideration of an Act to amend Act XVI. 1847.	The whole.
II of 1851	An Act to amend Regulation XIII. 1810, of the Bengal Code, for the trial of Appeals.	The whole.
III of 1851	An Act to amend Regulation X. 1819, and Act XXIX. 1838, for preventing the unlawful manufacture and transportation of Salt.	The whole.
V of 1851	An Act for relief of certain sufferers by the Insolvency of Sir Thomas Turton, Baronet.	The whole.
XIII of 1851	An Act to amend Act No. V. of 1851	The whole.
IX of 1852	An Act to repeal Regulation I. of 1832 of the Bengal Code	The whole.
XV of 1852	An Act to amend the law of evidence	Sections 1, 2, 4, 11, and so much of section 13 as creates a felony and declares the punishment and provides for the trial of the principal and the accessory.
XXII of 1852	An Act to avoid doubts as to the validity of certain decisions in summary suits for arrears of rent, and of certain sales of Putnee Talooks and other saleable tenures.	The whole.
XXVIII of 1852	An Act to relieve the Court of Sudder Foujdaree Adawlut at Bombay from the superintendence of the Police in that Presidency.	So much as has not been repealed.
XXXI of 1852	An Act to repeal clause 17, section XVI. Regulation XX. 1817, of the Bengal Code.	The whole.
IV of 1853	An Act for the abolition of the Government monopoly of Tobacco in the Provinces of Coimbatore, Malabar and Canara.	The whole.
IX of 1853	An Act to amend Act No. VI. 1853	The whole.
XIV of 1853	An Act for regulating the collection and distribution of the Effects of Officers, Seamen and others dying in the Marine Service of the East India Company, called the Indian Navy.	The whole.
XVII of 1853	An Act to repeal Regulation VII. of 1816, and to declare the law which is to be in force in the tract of land granted to Maharajah Imrit Rao.	Sections 1, 4 and 5.

ACT No. VIII of 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXI of 1853	An Act for providing for the exercise of certain Powers by the Governor General during his absence from the Council of India.	The whole.
II of 1854	An Act to abolish the office of Assessor to the Court of Petty Sessions at Bombay.	The whole
VI of 1854	An Act to amend the practice and course of proceeding on the Equity side of Her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Madras and Bombay.	The whole.
XV of 1854	An Act to facilitate the proceedings of the Commissioners appointed to inquire into certain matters connected with the position of Sir James Brooke, Her Majesty's Commissioner and Consul General in Borneo.	The whole
XIX of 1854	An Act for removing the prohibition against the importation of Foreign Sugar.	The whole.
XXII of 1854	An Act to repeal certain parts of the 53 George 3, c. 155, of Section II. Regulation XV. of 1806 of the Bengal Code, and of Regulation IV. of 1809 of the Madras Code.	The whole
XXV of 1854	An Act for discontinuing the practice of issuing Warrants for the payment of money from the Treasuries of the Collectors.	The whole
XXIX of 1854	An Act to prohibit the Exportation of Saltpetre to certain Ports in Europe.	The whole
XXXII of 1854	An Act to facilitate enquiries respecting the alleged use of Torture in the Presidency of Fort St. George.	The whole
I of 1855	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole
II of 1855	An Act for the further improvement of the law of evidence	Sections 1, 9, 52, 53, 54, 55, and so much of section 2 as relates to Acts and Regulations made by the Governor General of India in Council
III of 1855	An Act for the better prevention of Desertion from the Indian Navy.	The whole.
V of 1855	An Act to assimilate the process of Execution on all sides of Her Majesty's Supreme Courts, and to extend and amend the provisions of Act XXV. of 1841.	The whole Act, except as to the Straits' Settlement.
VII of 1855	An Act to amend the law of Arrest on mesne process in Civil Actions in Her Majesty's Courts of Judicature, and to provide for the subsistence of Prisoners confined under Civil process of any of the said Courts.	The whole Act, except as to the Straits Settlement
XIX of 1855	An Act to amend the Law relating to District Moonsiffs in the Presidency of Fort St. George.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXIII of 1855	An Act to amend the law relating to the administration of the Estates of deceased persons charged with money by way of Mortgage.	The whole Act, except as to descents or devises occurring or made before the first January 1866.
XXV of 1855	An Act to empower the Session Judge of Coimbatore to hold Sessions at Ootacamund on the Neilgherry Hills.	The whole.
XXX of 1855	An Act to repeal Section VII of Act No. XXVIII. of 1839	The whole
XXXIII of 1855	An Act to prohibit the exportation of Saltpetre, except in British vessels bound to the Ports of London or Liverpool.	The whole.
XXXV of 1855	An Act to abolish the levy of Customs Duty on the import of Cotton into the North-Western Provinces of the Presidency of Bengal.	The whole.
XXXVIII of 1855	An Act to provide for the trial and punishment of rebellion and other offences committed within certain Districts in which Martial Law has lately been proclaimed.	The whole.
VII of 1856	An Act to enable the Bombay Government to provide for a due supply of Water for public use in the Islands of Bombay and Colaba	The whole.
XVI of 1856	An Act to authorize the levy of Port-dues and Fees at the present rates for a further period of twelve months.	The whole.
XXIV of 1856	An Act to provide for the dissolution of the Bengal Mariners' and General Widows' Fund Society, and the distribution of the funds belonging thereto.	The whole.
I of 1857	An Act to prevent the over-crowding of vessels carrying Native passengers in the Bay of Bengal.	The whole.
IX of 1857	An Act to repeal Act VI. of 1856.	The whole
XIV of 1857	An Act to make further provision for the trial and punishment of certain offences relating to the Army, and of offences against the State.	The whole.
XV of 1857	An Act to regulate the establishment of Printing Presses, and to restrain in certain cases the circulation of printed books and papers.	The whole.
XVI of 1857	An Act to make temporary provision for the trial and punishment of heinous offences in certain districts.	The whole.
XVII of 1857	An Act to provide temporarily for the apprehension and trial of Native Officers and Soldiers for Mutiny and Desertion.	The whole.
XVIII of 1857	An Act relating to the issuing of writs or process against certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.	The whole.
XXIV of 1857	An Act to authorize the levy of port-dues and fees at the present rates for a further period of six months.	The whole.

ACT No. VIII OF 1868.

No. of Act.	Subject or Title of Act	Extent of Repeal.
XXVIII of 1857	An Act relating to the importation, manufacture, and sale of arms and ammunition, and for regulating the right to keep or use the same.	The whole.
XXXIII of 1857	An Act to make further provision relating to Foreigners.	The whole.
IV of 1858	An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.
VI of 1858	An Act to authorize the impressment of artisans and laborers for the erection of Buildings for the European troops in India, and for works urgently required for Military purposes.	The whole.
X of 1858	An Act to authorize the confiscation of Villages, the imposition of fines, and the forfeiture of certain offices in cases of rebellion and other crimes committed by Inhabitants of Villages, or by members of tribes; and also to provide for the punishment of proprietors of land who neglect to assist in the suppression of rebellion, or in the apprehension of rebels, mutineers, or deserters.	The whole
XI of 1858	An Act to authorize the infliction of corporal punishment in certain cases.	The whole.
XIII of 1858	An Act for the punishment of persons who unlawfully possess or conceal arms or other property belonging to Her Majesty or to the East India Company.	The whole.
XVI of 1858	An Act to extend Act XXV of 1855	The whole.
XVII of 1858	An Act to repeal the Laws relating to the levy of Light-dues at Ports within the limits of the Gulf of Cambay.	The whole.
XX of 1858	An Act to facilitate the recovery of land and other real property, of which possession may have been wrongfully taken during the recent disturbances in the North-Western Provinces of the Presidency of Bengal.	The whole.
XXII of 1858	An Act to continue in force for a further period Acts XIV. of 1857, XVI. of 1857, and XVII. of 1857, and to authorize in certain cases the transportation of offenders sentenced to imprisonment.	The whole.
XXIV of 1858	An Act to continue for six months the privileges granted by Act I. of 1844 to certain members of the family, household, and retinue of His late Highness the Nabob of the Carnatic.	The whole.
XXVI of 1858	An Act to make further provision for the trial and punishment of offences against the State.	The whole.
XXVII of 1858	An Act to continue in force for a further period of six months, Act IV. of 1858, for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.	The whole.

ACT No. VIII OF 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXIX of 1858	An Act for the relief of persons who, in consequence of the recent disturbances, have been prevented from instituting or prosecuting suits or appeals in the Civil Courts of the North-Western Provinces within the time allowed by law.	The whole.
XXX of 1858	An Act to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.	The whole
XXXII of 1858	An Act for bringing the Fort of Tanjore and the adjacent territory under the Laws of the Presidency of Fort St. George.	Sections 2, 3, 4, 5, 6, 7 and 8
XXXIII of 1858	An Act to amend Act XII of 1844 (for better securing the observance of an exact discipline in the Indian Navy).	The whole.
XXXVIII of 1858	An Act to repeal Regulation V. 1832, of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhi Territory to the administration of the Chief Commissioner of the Punjab.	The whole.
II of 1859	An Act to amend Act XXX. of 1858 (to provide for the administration of the Estate, and for the payment of the debts of the late Nabob of the Carnatic).	The whole.
IV of 1859	An Act to make further provision for the removal of prisoners.	The whole.
IX of 1859	An Act to provide for the adjudication of claims to property seized as forfeited.	The whole Act, except sections 16, 17, 18 and 20.
XIX of 1859	An Act to continue in force until the end of the year 1859 Act XXVIII. of 1857 (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same).	The whole.
XXI of 1859	An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.	The whole.
XXVI of 1859	An Act to continue in force for a further period Act XXVIII. of 1857.	The whole
XXVII of 1859	An Act to continue in force for a further period Acts XIV. of 1857, XVI. of 1857, and XVII. of 1857.	The whole.
XXVIII of 1859	An Act to revive and continue in force for a further period Act XXXIII of 1857 (to make further provision relating to Foreigners).	The whole.
I of 1860	An Act to empower the Governor General in Council to increase the rate of Duty on Salt imported into the North-Western Provinces of the Presidency of Bengal.	Sections 1 and 3
X of 1860	An Act to amend Act VII. of 1859 (to alter the Duties of Customs on goods imported or exported by Sea).	The whole.
XI of 1860	An Act to enforce the fulfilment of Indigo Contracts, and to provide for the appointment of a Commission of Enquiry.	The whole.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XIII of 1860	An Act to repeal certain Laws relating to the jurisdiction of the Zillah Court of Furruckabad.	The whole.
XVI of 1860	An Act to amend Act XIV. of 1856	The whole Act, except as to the Straits' Settlement.
XVII of 1860	An Act to repeal Act V. of 1858 (for the punishment of certain Offenders who have escaped from jail, and of persons who shall knowingly harbour such Offenders), and to make certain provisions in lieu thereof.	Sections 1, 4 and 5.
XVIII of 1860	An Act to continue in force for a further period of three months Act XXI. of 1859, for providing for the exercise of certain powers by the Governor General during his absence from his Council.	The whole.
XXIV of 1860	An Act for the solemnization of Marriages in India by ordained Ministers of the Church of Scotland.	The whole.
XXIX of 1860	An Act to continue in force Act XXVIII. of 1857 ...	The whole.
XXX of 1860	An Act to remove the Pergunnah of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations.	The whole.
XXXII of 1860	An Act for imposing Duties on Profits arising from Property, Professions, Trades and Offices.	So much as has not been repealed.
XXXVII of 1860	An Act to repeal Act XVI. of 1859	The whole.
XXXVIII of 1860	An Act to explain Act XXX. of 1858 (to provide for the administration of the Estate and for the payment of the debts of the late Nabob of the Carnatic.)	The whole.
XXXIX of 1860	An Act to amend Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades and Offices).	The whole.
XLIV of 1860	An Act for providing for the exercise of certain powers by the Governor General during his absence from his Council.	The whole.
LIII of 1860	An Act to amend Act X. of 1859	The whole.
I of 1861	An Act for the improvement of the administration of justice and despatch of business in the Supreme Court of Judicature in Bombay.	The whole.
VI of 1861	An Act to alter the time from which the Indian Penal Code shall take effect.	The whole.
XI of 1861	An Act to amend Act XIV. of 1859 (to provide for the limitation of suits).	The whole.
XIII of 1861	An Act to regulate temporarily the procedure of the Police enrolled under Act V. of 1861 (for the regulation of Police).	The whole.

ACT No. VIII of 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXI of 1861	An Act for limiting in certain cases for the year commencing from the 31st day of July 1861, the amount of Assessment to the Duties chargeable under Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades and Offices), and Act XXXIX. of 1860 (to amend Act XXXII. of 1860.)	The whole.
XXX of 1861	An Act to enable the Bengal Military Orphan Society to register under Act XXI. of 1860 (for the Registration of Literary, Scientific, and Charitable Societies).	The whole.
XXXII of 1861	An Act to postpone the operation of a portion of Clause 8, Section 1 of Act XIV. of 1859 (to provide for the Limitation of Suits).	The whole
I of 1862	An Act to revive and continue in force for a further period Act XXXIII. of 1857 (to make further provision relating to Foreigners).	The whole.
II of 1862	An Act to repeal Act XVIII. of 1861 (for imposing a Duty on Arts, Trades, and Dealings).	The whole.
IX of 1862	An Act for constituting the Secretaries and other officers of the Banks of Bengal, Madras, and Bombay, respectively, *Ex Officio* Assessors of certain of the duties payable under Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades and Offices).	The whole.
XI of 1862	An Act to amend Act X. of 1860 (to amend Act VII. of 1859, to alter the Duties of Customs on goods imported or exported by Sea).	The whole.
XII of 1862	An Act to repeal Act II. of 1835 so far as it relates to the Provinces of Arracan and Tenasserim.	The whole
XIV of 1862	An Act to amend Act XIV. of 1859 (to provide for the Limitation of Suits).	The whole.
XVI of 1862	An Act to limit in certain cases the amount of assessment to the Duties chargeable after the 31st day of July 1862 under Act XXXII. of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and Act XXXIX. of 1860 (to amend Act XXXII. of 1860), and otherwise to modify the said Acts.	The whole.
XVII of 1862	An Act to repeal certain Regulations and Acts relating to Criminal Law and Procedure.	The whole Act, except sections 3, 4, 5 and 6.
XXI of 1862	An Act to provide for the dissolution of the Subordinate Medical Officers' Widows' and Orphans' Fund, and the distribution of the funds belonging thereto.	The whole.
XXIII of 1862	An Act to amend Act XI. of 1862 (to amend the duties of Customs on Goods imported and exported by Sea).	The whole.

ACT No. VIII OF 1868.

No. OF ACT.	SUBJECT OR TITLE OF ACT.	EXTENT OF REPEAL
XXIV of 1862	An Act to continue in force Act XX. of 1862 (to provide for the levy of fees and stamp duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain Sections of Act VIII. of 1859 in the said High Court).	The whole Act, except section 2.
XVIII of 1863	An Act to make provision for the speedy and efficient disposal of the business now pending in the Office of the Master of the High Court of Judicature at Fort William in Bengal, and to provide for the abolition of the Oaths now administered to Hindoos and Mahomedans in the said Court, and to amend the Code of Civil Procedure in respect of process issued out of the said Court in the exercise of its Original Civil Jurisdiction.	Sections 1, 2, 3 and
XXVI of 1863	An Act to amend Act XI. of 1862 (to amend Act X. of 1860, to amend Act VII. of 1859, to alter the Duties of Customs on Goods imported or exported by Sea).	The whole.
XXVII of 1863	An Act to further amend Act XXXII of 1860 (for imposing Duties on Profits arising from Property, Professions, Trades, and Offices), and to amend Act XXXIX. of 1860 (to amend Act XXXII. of 1860), and Act XVI. of 1862 (to limit in certain cases the amount of assessment to the duties chargeable after the 31st day of July 1862, under Act XXXII. of 1860, and Act XXXIX. of 1860, and otherwise to modify the said Acts).	The whole.
XXX of 1863	An Act to provide for the appointment of Commissioners to enquire into certain claims against the late Native Government of Oudh.	The whole.
IV of 1864	An Act to give validity to certain proceedings of the Court of Small Causes at Kurrachee.	The whole
V of 1864	An Act to give validity to the extension of the Code of Civil Procedure to the Province of Scinde from the first day of January 1862.	The whole.
IX of 1864	An Act to repeal Act VIII. of 1861 (for the levy of Port-dues in the Port of Amherst).	The whole.
XI of 1864	An Act to repeal the Laws relating to the offices of Hindoo and Mahomedan Law Officers, and to the offices of Cazee-ool Cozaat and of Cazee; and to abolish the former offices.	The whole.
XIV of 1864	An Act to give validity to certain acts and proceedings of the Joint Judge of the Konkan.	The whole.
XXIII of 1864	An Act to amend the law relating to the Customs Duties on goods imported by Sea.	The whole.
XXIV of 1865	An Act to give effect to certain Warrants of Attorney and Cognovits.	The whole Act, except section 5.
XXV of 1865	An Act to amend the Law relating to the duties of Customs on Goods imported and exported by Sea.	The whole.

ACT No. VIII OF 1868.

No. of Act.	Subject or Title of Act.	Extent of Repeal.
XXVIII of 1865	An Act to provide for the more speedy liquidation of Insolvent Traders' Estates in Bombay.	The whole Act, except as to the estates not completely wound up under its provisions.
XVIII of 1866	An Act to alter the Customs duty on the export of Saltpetre.	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
	BENGAL.	
II of 1793	A Regulation for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors.	Section 17, and the following words in section 46: "giving land in farm to any European, directly or indirectly, or accepting the security of a European for any farmer, dependent, talookdar or ryot, or"
III of 1793	A Regulation for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of Civil Suits in the first Instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	Section 14.
IV of 1793	A Regulation for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.	Sections 14 and 20.
VI of 1793	A Regulation for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Court of Appeal.	Sections 3, 13 and 14.
IX of 1793	A Regulation for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor General in Council on the 3rd December, 1790, and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.	Sections 2, 20, 21, 25, 31, 32, 33, 35, 36, 37, 39, 60, 62, 63, 71, 72, 73 and 79.
XV of 1793	A Regulation for fixing the Rates of Interest on past and future Loans.	So much as has not been repealed.
XIX of 1793	A Regulation for re-enacting, with Modifications, the Rules passed by the Governor General in Council, on the 1st December, 1790, for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the payment of Revenue to Government, under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the payment of public Revenue.	Section 23.
XXII of 1793	A Regulation for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December, 1792, for the establishment of an efficient Police throughout the Country.	Sections 24, 25, 26, 27, 28, 30, 35, 36 and 39.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XXVIII of 1793	A Regulation for prohibiting British subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company and their Military Officers) residing at a greater distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII, Regulation III, 1793, and for enabling British Subjects to recover any Demands, recoverable under the Regulation, which they may have upon such Persons.	The whole.
XXXI of 1793	A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the 23rd July 1787, and subsequent Dates, for the conduct of the Commercial Residents and Agents, and all persons employed or concerned in the Provision of the Company's Investment.	The whole.
XXXV of 1793	A Regulation for re-enacting, with Amendments, the Rules passed on the 20th June, 24th October and 31st November, 1792, and subsequent Dates, for the Reform of the Gold and Silver Coin in Bengal, Behar and Orissa; and for prohibiting the Currency of any gold or silver coin in those Provinces, but the nineteenth sun Sicca Rupees, and the nineteenth sun Gold Mohur, and their respective Divisions and Sub-divisions into Halves and Quarters; and for preventing the counterfeiting, defacing, or debasing of the Coin.	So much as has not been repealed.
XXXVIII of 1793	A Regulation for re-enacting, with Modifications, such Part of the Rule passed on the 27th June, 1787, as prohibits covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependent Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for re-enacting, with alterations, the existing Rules prohibiting Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings, for carrying on Manufactures or other Purposes, without the Sanction of the Governor General in Council.	Sections 3, 4, 5 and 6, and so much of section 1 as relates to Europeans purchasing or holding land.
XLI of 1793	A Regulation for forming into a regular Code all Regulations that may be enacted for the internal Government of the British territories in Bengal.	The whole.
XLVII of 1793	A Regulation for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations.	The whole.
XLVIII of 1793	A Regulation for forming a quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.	Section 2, clause 2.

ACT No. VIII OF 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
II of 1794	A Regulation for postponing the Operation of Section LXI. Regulation VIII. 1793, in the Zillah of Boglepore, to the end of Kautic 1201, Bengal era.	The whole.
V of 1794	A Regulation for restricting the Sudder Dewanny Adawlut, and the Provincial Courts of Appeal, from admitting Appeals from Decisions passed by any of the Courts of Dewanny Adawlut, heretofore denominated Courts of Mofussil Dewanny Adawlut, between the 6th April, 1781, and the 1st May 1793, that were declared to be final by the Regulations for the Administration of Justice which existed during that Period.	The whole.
VI of 1794	A Regulation for postponing to the 10th April, 1795, the Operation of such parts of Sections XVIII. XIX. XX. and XXIII. Regulation XXXV. 1793, as regard the Silver Coin.	The whole
VIII of 1794	A Regulation for extending and defining the Powers given by Section VI. Regulation XIII. 1793, to the Registers of the Zillah and City Courts, to try and decide Causes referred to them by the Judges of their respective Courts, and for empowering the Zillah and City Courts in certain cases to refer Rent and Revenue Accounts to the Collectors for report.	The whole.
IV of 1795	A Regulation for prohibiting the Collection of internal Duties in the Province of Benares.	The whole.
V of 1795	A Regulation prescribing Rules for the Conduct of the Collector of the public Revenue in the Province of Benares.	Section 17.
VII of 1795	A Regulation for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying Civil Suits, in the first Instance, at the City of Benares, and at Mirzapore, Ghazeepore, and Juanpore, in the Province of Benares, and for defining the Jurisdiction and Powers of those Courts.	Section 8.
X of 1795	A Regulation for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the Jurisdiction, Powers, and Authorities of the Sudder Dewanny Adawlut in that Province.	Sections 1, 4 and 10
XVI of 1795	A Regulation for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors in the Province of Benares; for enabling one of the Judges, in his capacity of Judge of the Provincial Court of Appeal, to transact certain Parts of the Business of that Court, whilst the other two Judges, as Judges of Circuit, are making the Circuits; and for providing against the Absence or Indisposition of any of the Judges or their Law Officers, and against Vacancies in the Judicial or Law Appointments.	So much as has not been repealed.
XVII of 1795	A Regulation for the Establishment of an efficient Police in the Province of Benares.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
XXII of 1795	A Regulation for preserving the Record of the principal Rules regarding the Administration of Justice and the Police in the Province of Benares, passed between the Year 1781 and the Period of the Abolition of the Office of Resident in 1795; and for determining what Part of those Rules are to be considered still in force; and for transferring the Causes depending in the Courts of Judicature abolished on this Date to the Courts established in lieu of them.	The whole.
XXIV of 1795	A Regulation for extending to the Province of Benares, Regulation XXVIII. 1793, entitled "A Regulation for prohibiting British subjects (excepting King's Officers serving under the Presidency of Fort William, and civil covenanted Servants of the Company, and their military Officers) residing at a greater Distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny-Adawlut, in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII. Regulation III. 1793, and for enabling British subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons."	The whole.
XXV of 1795	A Regulation for extending to the Province of Benares, Regulation XLVII. 1793, entitled "A Regulation for providing for differences of opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations."	The whole.
XXIX of 1795	A Regulation for extending to the Province of Benares, Regulation XX. 1793, entitled "A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny-Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance."	The whole.
XXXIII of 1795	A Regulation for enacting into a Regulation the Rules passed relative to the Cultivation and Manufacture of Indigo, on behalf of, or by natural-born British Subjects, and other Europeans, having the Permission of Government to reside in the Province of Benares.	The whole.
XXXIV of 1795	A Regulation for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares.	Sections 5, 12 and 13.
XXXVI of 1795	A Regulation for repealing Section VII, Regulation VIII, 1794, and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the Native Commissioners appointed under Regulation XL. 1793; for rendering Serberakars, or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL. 1793; for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan.	So much as has not been repealed.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XXXVIII of 1795	A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V. Regulation XL. 1793; and for the appropriation of the fees so collected.	The whole.
XLVIII of 1795	A Regulation for prohibiting covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, in the Province of Benares, from lending Money to Talookdars, Zemindars, Putteedars, or other actual Proprietors of Land, or to Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land abovementioned, or their respective Sureties; and for prohibiting in the said Province, Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes, without the Sanction of the Governor General in Council.	Sections 3, 4, 5 and 6.
LIX of 1795	A Regulation for further postponing to the 10th April, 1796, the Operation of such Parts of Sections XVIII. XIX. XX. and XXIII. Regulation XXXV. 1793, as regard the Silver Coin.	The whole.
LX of 1795	A Regulation for extending to the Province of Benares, Regulation XXXVIII. 1795, entitled "A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under clause Sixth, Section V. Regulation XL. 1793."	The whole.
LXI of 1795	A Regulation for determining what Sicca Rupees of the nineteenth Sun shall be considered as of standard Weight in Payments, in the Provinces of Bengal, Behar and Orissa.	The whole.
LXII of 1795	A Regulation for withdrawing the Mint established at Moorshedabad under Regulation XXXV. 1793.	The whole.
IV of 1796	A Regulation to provide for the occasional Absence of the Zillah and City Judges and Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares, from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants, on such occasions, as well as in the Discharge of their official Functions.	Sections 5 and 6.
VII of 1796	A Regulation for repealing such Part of Regulations VIII. and X. 1793, as excludes the Proprietors of Land from the Management of their Estates on Grounds of Contumacy or Profligacy of Character.	The whole.
X of 1796	A Regulation for the guidance of the Courts of Justice in Cases of a Difference of Opinion on the Meaning and Construction of the Regulations.	The whole.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
III of 1797	A Regulation for constituting one Court of Circuit to expedite the Gaol Deliveries of the Zillahs and Cities within the several Divisions of the Courts of Circuits for Calcutta, Dacca, Patna, Moorshedabad and Benares, instead of two Courts, as provided by Regulation VII. 1794, and Regulation XVI. 1795.	The whole.
VIII of 1797	A Regulation for rendering Prosecutions instituted for the Recovery of Losses sustained by Theft and Robbery in the Province of Benares, cognizable in the Courts of Civil Judicature; and for ascertaining the Responsibility in such cases of Tehseeldars of Places held khaum in the said Province; and for transferring the Nomination of the Pleaders for Government in the several Courts of Judicature, from the Sudder Dewanny Adawlut to the Governor General in Council.	So much as has not been repealed.
XI of 1797	A Regulation for amending the Form of Bond to be executed by British Subjects or others not amenable to the Zillah and City Civil Courts, on their instituting Suits in such Courts; and for prescribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts.	The whole.
II of 1798	A Regulation for authorizing a Review of Causes decided by the Civil Courts in certain Cases; and for explaining Parts of Regulations IV. V. and VI. 1793.	So much as has not been repealed.
III of 1799	A Regulation for postponing to the End of the Bengal year 1204, or to the 10th of April, 1798, the Operation of Section XX. Regulation XXXV. 1793, within the Zillah of Sylhet.	The whole.
II of 1801	A Regulation for the more speedy and effectual Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	The whole Regulation, except sections 7, 14 and 15.
IX of 1801	A Regulation to limit the Operation of Section XV. Regulation VII, 1799, upon Persons employed in the Salt Manufacture, or in the Provision of the Company's Investment, and to explain and amend Section II. Regulation XI. 1796, with respect to Persons so employed, and others charged with Resistance of Process under that Regulation.	So much as has not been repealed.
IV of 1802	A Regulation to constitute an occasional Second Court of Appeal for the Division of Dacca.	The whole.
I of 1803	A Regulation for forming into a regular Code all Regulations which may be enacted for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.
VI of 1803	A Regulation for the Guidance of the Magistrates of the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, in apprehending Persons charged with Crimes, or Offences, and bringing them to Trial.	So much as has not been repealed.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VII of 1803	A Regulation for the Establishment of a Court of Circuit for the Trial of Persons charged with Crimes, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	So much as has not been repealed.
IX of 1803	A Regulation for empowering the Judges of the Zillah Courts, the Magistrates, the Judges of the Provincial Court of Appeal, and the Judges of the Court of Circuit, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to propose Regulations regarding Matters coming within their Cognizance, respectively.	The whole.
XII of 1803	A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 6, 7, 8, 9, 10, 15, 17, 18, 20 and 21
XV of 1803	A Regulation for providing for Differences of Opinion between the Judges of the Provincial Court of Appeal and Court of Circuit, established in Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and prescribing Rules regarding other Matters connected with their official Situation.	The whole
XVIII of 1803	A Regulation for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company, and their Military Officers) from residing in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, without the Permission of the Governor General in Council, and without rendering themselves amenable to the Courts of Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section IV. Regulation II. 1803; and for enabling British Subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons.	The whole.
XIX of 1803	A Regulation for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, from lending Money to Zemindars, independent Talookdars, or other Proprietors of Land, or dependent Talookdars or Farmers of Land holding Farms immediately of Government, or the Under-Farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above-mentioned, or their respective Sureties; and for prohibiting Europeans, of any Description, holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands in the said Provinces for erecting Houses or Buildings for carrying on Manufactures or other purposes, without the Sanction of the Governor General in Council.	Sections 3, 4, 5 and 6.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XXII of 1803	A Regulation for the Guidance of the Courts of Justice established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, in Cases of Difference of Opinion on the Meaning and Construction of the Regulations.	The whole.
XXV of 1803	A Regulation prescribing Rules for the Conduct of the Board of Revenue and the Collectors; and for declaring the proprietary Right in the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, to be vested in the Zemindars and other Landholders, under the Terms and conditions of the Settlement of the Land Revenue formed by the Honourable the late Lieutenant Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor General.	Section 16.
XXXIV of 1803	A Regulation for determining the Rate of Interest on Money in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 2, 4 and 11.
XXXV of 1803	A Regulation for the establishment of an efficient System of Police in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	Sections 4, 5, 6, 22 and 23.
XXXVII of 1803	A Regulation prescribing Rules respecting the provision of the Honourable the English East India Company's investment, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole
XLV of 1803	A Regulation for the reform of the gold, silver and copper coin of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company.	The whole.
LI of 1803	A Regulation for empowering the Court of Circuit established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, and the Nizamut Adawlut, to take Cognizance of all depending Criminal Cases, the Trial of which had been commenced previous to the Period when the Regulations passed on the 24th of March, 1803, for the Trial of Crimes and Offences committed in the said Provinces, were directed to take Effect.	The whole.
LIV of 1803	A Regulation for postponing the operation of Section XX, Regulation XXXV, 1793, within the Zillah of Chittagong.	The whole.
II of 1804	A Regulation for altering the periods of the Half-Yearly Gaol Deliveries in the Divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a Quarterly Gaol Delivery in the Zillahs of the Twenty-Four Pergunnahs, Dacca, Jelalpore, and Moorshedabad.	The whole.
IV of 1804	A Regulation for the Administration of Justice in criminal Cases in the Zillah of Cuttack.	The whole.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VI of 1804	A Regulation for rescinding Regulation XXXIX. 1803; for establishing Rules for levying a Duty on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, in the conquered Provinces in the Dooab and on the right Bank of the Jumna, and in the Province of Benares; for reducing the Rate of Duty established by Clause Sixth, Section IV. Regulation VI. 1801, on the Importation of Salumba and Balumba Salt into the Province of Benares; and for withdrawing the Prohibition contained in Section VI of that Regulation on the Manufacture of Salt within the Province of Benares.	So much as has not been repealed
VII of 1804	A Regulation for determining the Rates of Duty to be levied, under Sections IV. and VII. Regulation VI. 1804, on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, and in the conquered Provinces situated within the Dooab and the right Bank of the River Jumna.	The whole.
VIII of 1804	A Regulation for transferring the Zillahs of Allahabad and Goruckpore from the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of the Provinces ceded to the Honourable the English East India Company by the Nawaub Vizier; and for annexing those Zillahs to the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of Benares.	The whole.
I of 1805	A Regulation for empowering the Court of Sudder Dewanny Adawlut to hear and determine Appeals from the Decisions of the Courts of Civil Justice established under the Authority of the British Government at Chandernagore and Chinsurah.	The whole.
II of 1805	A Regulation to explain the existing Limitations of Time for the Cognizance of Suits in the Civil Courts of Justice; to provide further Limitations with respect to certain Suits, regular and summary; and to make other Provisions relative to the Admission and Trial of original Suits, and of Appeals.	So much as has not been repealed.
IV of 1805	A Regulation for extending to the Province of Benares Regulation XXXI, 1793, entitled "A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the 23rd of July, 1787, and subsequent Dates, for the Conduct of the Commercial Residents and Agents, and all Persons employed or concerned in the Provision of the Company's Investment," and also for exempting from Duty all Goods and Articles provided in the Province of Benares, on Account of the Investment of the Honourable East India Company.	The whole.
V of 1805	A Regulation for forming the Settlement of the Land Revenue of the Provinces ceded to the Honourable the English East India Company by the Nawaub Vizier, for the years 1213, 1214, and 1215, of the Fussily Era	The whole.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
VII of 1805	A Regulation for empowering the Governor General in Council to grant a temporary Exemption to covenanted Civil Servants of the Company, holding certain Offices, from the Obligations of that part of the Oath prescribed to be taken by certain Descriptions of Public Officers, which prohibits their being concerned in commercial Transactions.	The whole.
VIII of 1805	A Regulation for extending to the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and to the Territory ceded to the Honourable the English East India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company, as have not been already extended to those Territories, and for revising and amending certain Parts of the said Laws and Regulations.	Section 2, section 3, clause 2, section 4, section 6, clause 2.
XI of 1805	A Regulation for extending to the Conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and to the Territories ceded to the Honourable the English East India Company in Bundlecund by the Peishwa, Regulation XLV. 1803, entitled "A Regulation for the reform of the Gold, Silver, and Copper Coin, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East India Company:" also for providing for the Appointment of Native Officers of Government employed in the Mint established at Furruckabad, under Regulation XLV. 1803; and for extending to such Native Officers such Parts of Regulation V. 1804, as provide for the Appointment and Removal of the Native Officers of Government in certain Departments.	The whole.
XVI of 1805	A Regulation for extending the Jurisdiction of the Court of Circuit for the Division of Calcutta, and of the Court of Nizamut Adawlut, over the Settlements of Chandernagore and Chinsurah, in certain Cases, and for defining the Powers and Duties of the Superintendent of Chandernagore and Commissioner of Chinsurah, in his Capacity of Magistrate for those Settlements.	The whole.
XVIII of 1805	A Regulation for the appointment of a Magistrate of the Jungle Mehals, in Zillahs Beerbhoom, Burdwan, and Midnapore; and for declaring and extending the Rules prescribed for Zemindars and Managers of Zemindaries intrusted with the Police in those Mehals.	So much as has not been repealed.
I of 1806	A Regulation for abolishing the Jurisdiction of Zillah Moorshedabad, and annexing the Mehals composing it to the Jurisdictions of the City of Moorshedabad and Zillah Beerbhoom; for altering the Jurisdiction of the Courts of Circuit and Provincial Courts of Appeal of the Divisions of Calcutta and Moorshedabad; for fixing the Order of holding the Half-Yearly Gaol Deliveries in those Divisions, and in the Divisions of Benares and Bareilly; for rescinding such Parts of the existing Regulations as restrict the senior Judges of the Courts of Circuit from proceeding upon the Circuit in their respective Divisions; and for extending the Authority of the Courts of Nizamut Adawlut and Sudder Dewanny Adawlut in certain Cases.	The whole.

ACT No. VIII OF 1868.

No. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
III of 1806	A Regulation for defining the Weight and Standard of the Silver Coin, established in the Ceded and Conquered Provinces by Regulation XLV, 1803, and Regulation XI, 1805, and the Weight of the Copper Coin established in the said Provinces by the Regulations above-mentioned; also for fixing a Table of Rates for regulating the Receipt and Payment of Rupees of different Descriptions during the Periods prescribed by Regulation XLV. 1803, for the Receipt and Payment of Rupees not being the Rupees declared by that Regulation, and by Regulation XI. 1805, to be the established and legal Silver Coin within the Ceded and Conquered Provinces.	The whole.
IV of 1807	A Regulation for determining the Rates at which Rupees of Sorts shall be received and issued in the Ceded and Conquered Provinces, during the Existence of the depending Settlement of the Land Revenue in those Provinces.	The whole.
X of 1807	A Regulation for the Conclusion of the ensuing Settlement in the Ceded and Conquered Provinces.	So much as has not been repealed.
XI of 1807	A Regulation for vesting the Control of the Customs, with certain Exceptions, in the Board of Commissioners appointed under Regulation X. 1807.	The whole.
XII of 1807	A Regulation for the Appointment of Ameens of Police in the Provinces of Bengal, Behar, and Orissa, and for defining the Duties to be performed by them; also for obtaining a complete Register of Guards and Watchmen employed by Landholders, Farmers, and others, and declaring the Responsibility of their Employers for the Conduct of such Servants in certain Cases.	So much as has not been repealed.
XIII of 1807	A Regulation for modifying certain Parts of Regulation XXXV. 1793, Regulation XLV. 1803, and Regulation XII. 1805, relative to Engagements for Rupees or Gold Mohurs, not being of the established Coinage.	The whole.
XIV of 1807	A Regulation for amending the System of Police established in the Province of Benares and in the Ceded and Conquered Provinces within the Divisions of Bareilly and Benares; also for extending to those Provinces the Provisions contained in Regulation XII. 1807, for the Appointment of Ameens of Police.	Sections 2, 3 and 18, and so much of section 17 as has not been repealed.
XV of 1807	A Regulation for modifying the Constitution of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, so far as relates to the Appointment of the Judges of those Courts.	So much as has not been repealed.
II of 1808	A Regulation for the better security of the Property of Minors subject to the Jurisdiction of the European Court at Chandernagore.	So much as has not been repealed.
VI of 1808	A Regulation for the Settlement of the Revenues of the Zillah of Cuttack.	So much as has not been repealed.
X of 1808	A Regulation for the Appointment of a Superintendent of Police, and for defining his Jurisdiction and Authority.	So much as has not been repealed.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
I of 1809	A Regulation for rendering permanent the Board of Commissioners in the Upper Provinces, and for investing that Board with certain Powers in the Province of Benares.	The whole.
II of 1809	A Regulation for enabling the Commander-in-Chief to delegate the Power of appointing General Courts-Martial on Native Officers and Soldiers of Detachments from the Bengal Army serving beyond Sea, and for determining the Number of Officers necessary for the Formation of such Courts-Martial.	The whole.
IX of 1809	A Regulation for empowering the Calcutta Provincial Court to receive Appeals from the Decisions of the Commissioner at Chinsurah and Superintendent of Chandernagore in certain Cases, and to make further Provision for the Administration of Civil Justice at those settlements.	The whole.
X of 1809	A Regulation for the establishment of a Copper Coinage in the Province of Benares.	The whole.
IV of 1810	A Regulation for abolishing the Office of Commissioner in Cuttack.	So much as has not been repealed.
VIII of 1810	A Regulation for the Appointment of Superintendents of Police in the Divisions of Patna, Benares and Bareilly.	The whole.
XII of 1810	A Regulation for modifying the Rules contained in Section II. Regulation VII. 1809, and Section VI. Regulation X. 1809.	So much as has not been repealed.
III of 1811	A Regulation for the Conduct of the Trade of Foreign Nations with the Ports and Settlements of the British Nation in the East Indies; and for defining the Duties to which such Trade shall be subject, at such of the said Ports and Settlements as are immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
VI of 1811	A Regulation for rescinding such Parts of Regulation XXVII. 1793, as declare the holders of Lakheraj and Malguzarry lands entitled to a Compensation on account of the Abolition of the Sayer.	The whole.
X of 1811	A Regulation for preventing the Importation of Slaves from foreign Countries, and the Sale of such Slaves in the Territories immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
XII of 1811	A Regulation for augmenting the Number of Judges of the Courts of Sudder Dewanny Adawlut, according as may from Time to Time appear necessary for the Despatch of the Business of those Courts.	The whole.
I of 1812	A Regulation for modifying certain Parts of Regulation IX. 1810; for imposing a Duty on Horses imported by Sea, with an Exception to Horses imported from Europe; and for prohibiting the Exportation of Woollens from Bengal to China.	So much as has not been repealed.

ACT No. VIII OF 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
II of 1812	A Regulation for levying a Duty on the Coinage of Silver Bullion and on the Re-coinage of Rupees and other Coins, with certain Exceptions, at the Mints established at Calcutta, Furruckabad and Benares; for defining the Weight and Standard of the Benares Rupee; for modifying the Rates of Duty at present levied on the Coinage of Gold Bullion in the Mint of Calcutta; and also for establishing certain Rules for the Conduct of the Business of the above-mentioned Mints respectively.	The whole Regulation, except sections 1 and 3, so much of section 5 as is unrepealed, and section 6.
VII of 1812	A Regulation for rescinding Regulations XV. 1810, and IV. 1811.	The whole.
XIV of 1812	A Regulation for modifying, in certain Cases, the Rule contained in Section II. Regulation V. 1812, regarding the Grant of Leases by the Proprietors of lands in the Ceded and Conquered Provinces to their tenants.	Sections 2 and 3.
XV of 1812	A Regulation for extending to the Ceded and Conquered Provinces, and to the Province of Benares, certain Parts of Regulation I. 1811, and for rescinding Regulation II. 1810.	The whole Regulation, except so far as it extends Regulation I. 1811, section 10.
XVI of 1812	A Regulation for authorizing the Judge of the Dewanny Adawlut of the Zillah of the Twenty-four Pergunnahs to execute Judgments passed by the Court of Requests for the Town of Calcutta.	The whole.
XIX of 1812	A Regulation for making certain Alterations in the Rules before established for the Collection of the Government Customs and Town Duties.	So much as has not been repealed.
XXI of 1812	A Regulation for rescinding certain Parts of Regulation I. 1811.	The whole.
I of 1813	A Regulation for modifying the Rules established respecting the Settlement of Cuttack, the Pergunnah of Puttaspore, and its Dependencies.	The whole.
VII of 1813	A Regulation for extending to the Ceded and Conquered Provinces the Provisions contained in Regulation III. 1801, and in Section XIII. Regulation VIII. 1794; and for rescinding parts of Sections XI. and XV. Regulation I. 1803.	So much as has not been repealed.
XII of 1813	A Regulation for modifying some of the Provisions in the Regulations before enacted for the Collection of the Government Customs and Town Duties.	So much as has not been repealed.
XIV of 1813	A Regulation for abolishing the Duties before established on the importation of Horses by Sea, or through the District of Cuttack.	The whole.
XV of 1813	A Regulation for the general Abolition of the Office of Dewaun to the Collectors of the Land Revenue in the Provinces immediately dependent on the Presidency of Fort William.	The whole.
IV of 1814	A Regulation for repealing Regulation VIII. 1812.	The whole.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
V of 1814	A Regulation for amending such Parts of the Regulations before enacted as relate to the Appointment of the Judges of the Provincial Courts of Appeal and Circuit.	The whole.
VII of 1814	A Regulation for modifying a Part of the Provisions contained in Regulation X. 1809, respecting the Copper Coinage of the Province of Benares.	The whole.
IX of 1814	A Regulation for explaining the extent and meaning of Regulation XIII. 1813, and Regulation III. 1814.	The whole.
X of 1814	A Regulation for explaining so much of Regulation I. 1814, as relates to Engagements contracted between Government and Individuals.	The whole.
XIII of 1814	A Regulation for the Abolition of the Office of Cutwal in the Cities of Dacca, Patna and Moorshedabad.	The whole.
XX of 1814	A Regulation for rescinding the Regulations in force relative to the College of Fort William.	The whole.
XXV of 1814	A Regulation for modifying the Constitution and Jurisdiction of the Sudder Dewanny Adawlut and of the Provincial Courts, for expediting the Trial of Civil Causes in those Courts, and for defining more fully the Powers of single Judges holding the Sittings of those Courts, or of the Nizamut Adawlut and Courts of Circuit.	The whole Regulation, except section 15.
III of 1815	A Regulation for continuing the existing Settlement of the District of Cuttack, the Pergunnah of Puttaspore, and its Dependencies, until the Expiration of the Year 1223, Umlee.	The whole.
IV of 1815	A Regulation for modifying some of the Provisions at present in Force, for the Collection of Customs on certain Articles of Commerce in the Territories immediately dependent on the Presidency of Fort William.	So much as has not been repealed.
II of 1816	A Regulation for re-establishing the office of Canoongoe in that Portion of the Province of Behar which forms the Districts of Shahabad, Tirhoot, Sarun, and Behar.	The whole.
III of 1816	A Regulation for rescinding Regulation XII. 1808.	The whole.
IV of 1816	A Regulation for allowing Prisoners confined under Process of the Civil Courts to deliver Petitions upon unstamped paper in certain Cases, and to make further Provision for the Treatment of Prisoners in the Civil Jails.	So much as has not been repealed.
VI of 1816	A Regulation for extending for a further Period of three Years the existing Settlement of Cuttack, Pergunnah Puttaspore, and its Dependencies, in all Cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of the Land.	The whole.
XII of 1816	A Regulation for the Establishment of a Custom House at Cox's Bazar, for the Collection of Government Customs.	The whole.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
XIV of 1816	A Regulation to provide more effectually for the Management of the Public Jails; and to enable the Magistrates to maintain good Order and Discipline in those Jails; as well as among the Prisoners employed on the Public Roads, or other Public Works:—Also to place the Jail at Alipore, in the Vicinity of Calcutta, under the Inspection and Control of the Court of Nizamut Adawlut; and to provide for the Transportation of Convicts to the Island of Mauritius or its immediate Dependencies.	Sections 2, 3, 11, 12, 13 and 14.
XVI of 1816	A Regulation for extending for a further Period of five years the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, in all Cases in which the Settlement may have been concluded with the actual Proprietors of the Land.	The whole.
XVIII of 1816	A Regulation for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a Part of the Territories of His Excellency the Nawaub Vizier.	Sections 3 and 4.
XXI of 1816	A Regulation for modifying Section XLIII. Regulation XLV. 1803, which prescribes a specified weight for the copper pice to be coined at the Mint of Furruckabad.	The whole.
II of 1817	A Regulation for re-establishing the Office of Canoongoe, in those Portions of the Districts of Ramghur, Bhaugulpore, and Purneah, which are comprised in the Province of Behar.	The whole.
IV of 1817	A Regulation for annexing to the Zillah of Seharunpore the Tract of Country called Deyra Doon, formerly composing a Part of the Territories of the Rajah of Nepaul.	The whole.
V of 1817	A Regulation for declaring the Rights of Government and of Individuals with respect to hidden Treasure, and for prescribing the Rules to be observed on the Discovery of such Treasure.	Sections 3 and 4.
IX of 1817	A Regulation for rescinding Regulation V. 1815 ...	The whole.
XIV of 1817	A Regulation for amending certain Parts of Regulation II. 1812.	The whole.
XXV of 1817	A Regulation for fixing the Weight of the Pice struck at the Calcutta Mint, and for giving general Circulation to Pice struck at any of the Mints subordinate to this Presidency.	The whole.
XXVI of 1817	A Regulation for authorizing the Circulation of Furruckabad Rupees, coined in either of the Mints of Calcutta, Furruckabad, or Benares, or at any other Mint established by Order of the Governor General in Council.	The whole.
II of 1818	A Regulation for annexing to the Zillah of Bundlecund the Elakeh of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain Villages belonging to the Pergunnah of Choorkee, on the right Bank of the Jumna, formerly composing a part of the Territories of Nana Govind Row.	Sections 3 and 4.

ACT No. VIII of 1868.

No. of Regulation.	Title of Regulation	Extent of Repeal.
of 1818	A Regulation for the Appointment of a Commissioner to be vested with special Powers in the Administration of Civil Affairs in Zillah Cuttack.	So much as has not been repealed.
IX of 1818	A Regulation for extending for a further Period of five Years the existing Settlement in the conquered Provinces lying on the right and left Banks of the River Jumna, with the exception of the Southern Division of the District of Seharunpore, and in the Territory ceded to the British Government by his Highness the Peishwah in Bundlecund, in all cases in which the Settlement may have been concluded with the actual Proprietors of the Land.	The whole.
XIII of 1818	A Regulation for extending for a further Period of three years the existing Settlement of Cuttack, Pergunnah Futtaspore and its Dependencies, in all Cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of Land.	The whole.
XI of 1819	A Regulation for discontinuing the coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal Currency of the Province of Benares; for altering the Standard of the Furruckabad Rupee, and for defining the Rate at which that Rupee is to be received within the Province of Benares.	The whole.
V of 1820	A Regulation for imposing a general Custom Duty on Tobacco.	So much as has not been repealed.
VI of 1820	A Regulation for rescinding Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803.	The whole.
I of 1821	A Regulation for the Appointment of a Special Commission in the Ceded and Conquered Provinces, for the Investigation and Decision of certain Claims to recover Possession of Land illegally or wrongfully disposed of by Public Sale, or lost through Private Transfers effected by undue Influence; and for the Correction of the Errors or Omissions of the Proceedings adopted by the Revenue Officers in regard to the Record and Recognition of Proprietary Rights, and the Ascertainment of the Tenures, Interests and Privileges of the Agricultural Community.	The whole.
V of 1821	A Regulation for settling the Rates at which Benares and Furruckabad Rupees shall be received in Payment of the Revenue of Malguzars, whose Engagements are expressed in Gohurshahee or Trisoolee Rupees.	The whole.
V of 1822	A Regulation for amending certain Provisions of Regulation IX. 1808.	The whole.
I of 1823	A Regulation to amend certain Parts of Regulation I. 1821.	The whole.

ACT No. VIII OF 1868.

No. of Regulation.	Title of Regulation.	Extent of Repeal.
V of 1823	A Regulation for giving Currency throughout the Provinces dependent on the Presidency of Fort William, to Rowannahs issued by the Officers in Charge of the Dehlee Territory, for reducing the Transit Duty chargeable on Piece-goods, the manufacture of the British Territories, from Seven and a Half to Two and a Half per Cent., and for making certain other Alterations in the Rules applicable to the Collection of Customs.	So much as has not been repealed.
I of 1824	A Regulation for enabling the Officers of Government to obtain, at a fair Valuation, Land or other immoveable Property required for Roads, Canals, or other Public Purposes; and for declaring in what manner the Claims of the Zemindars, and of the Officers in the Salt Department, are to be adjusted in certain Districts, where Lands are required for the Purposes of Salt Manufacture.	So much as has not been repealed.
II of 1824	A Regulation for abolishing the Furruckabad Mint, and for modifying some of the Rules in force relative to the Furruckabad Rupee.	The whole.
IX of 1824	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Conquered Provinces and in Bundlecund for a further Period of Five Years.	The whole Regulation, except section 4.
V of 1825	A Regulation for removing certain Doubts as to the Legality of an Union of the Powers of Judge and Collector in the same Individual.	The whole.
X of 1825	A Regulation more distinctly to define the Meaning and Intent of the Provisions contained in Regulations XXXI. of 1793, and XXXVII. of 1803, which prescribe Rules for the Conduct of Commercial Residents carrying on Trade for themselves.	The whole.
XVIII of 1825	A Regulation for annexing the Settlement of Chinsurah, and other Territories ceded to the British Government by the Government of the Netherlands, to the Zillah and City Jurisdictions most contiguous thereto; and to provide for the Administration of the said Territories.	Sections 4, 5, 8, 9 and 10.
I of 1826	A Regulation for augmenting the Number of Judges of the Provincial Courts of Appeal and Circuit, as may from Time to Time appear necessary.	The whole.
II of 1826	A Regulation to extend, with certain Exceptions and Conditions, the existing Settlement in the Provinces ceded by the Nawaub Vizier to the British Government, for a further Period of Five Years.	The whole.
IV of 1826	A Regulation for expediting the Proceedings of the Mofussil and Sudder Special Commissions, acting under the Provisions of Regulation I. 1821.	The whole.
V of 1826	A Regulation for annexing to the Zillah of Agra the Pergunnah of Goberdhun.	Section 2, excepting the first twelve words, and sections 3, 4 and 5.
VII of 1826	A Regulation for transferring the Control of the Benares Mint from the Board of Revenue in the Central Provinces to a Local Committee.	The whole.

ACT No. VIII of 1868.

No of Regulation.	Title of Regulation.	Extent of Repeal.
II of 1827	A Regulation to legalize certain Criminal Trials, held in the Division of Bareilly.	The whole.
II of 1828	A Regulation for rescinding parts of Regulation I. 1799.	The whole.
III of 1829	A Regulation for abolishing certain Official Designations amongst the Judges of the Courts of the Sudder Dewanny and Nizamut Adawlut, and of the Provincial Courts; for amending the Rules at present in Force, which require the Judges of the Courts of Sudder Dewanny and Nizamut Adawlut, or other Public Officers, to take the prescribed Oaths of Office before the Governor General in Council; for providing for the Decision of Civil Suits and Appeals in the Provincial Courts, in certain Cases; for amending Regulation VIII. 1825, and for discontinuing the Offices of Hindoo and Mahomedan Law Officer in the Provincial Courts.	Sections 1, 2, 3, 4 and 5.
V of 1829	A Regulation for rescinding part of Regulation X. 1817, and parts of Regulation XXI. 1825.	Section 2, and section 3, clause 1.
IX of 1829	A Regulation for rescinding some of the Rules of Regulation XXX. 1793, and the corresponding Rules for Benares and the Ceded Provinces, and for placing the Commercial Agents of the East India Company on the same Footing towards Natives of the country as other Persons.	The whole.
XIII of 1829	A Regulation for abolishing the Office of Superintendent and Remembrancer of Legal Affairs.	So much as has not been repealed.
XVIII of 1829	A Regulation to rescind Section III. Regulation IV. 1829, and to make further Modifications in the Provisions of Regulation I. 1821, and Regulation I. 1829.	The whole.
I of 1830	A Regulation for rescinding certain Provisions of Regulation I. of 1829, in regard to the administration of Civil Justice in Zillah Midnapore.	The whole.
V of 1830	A Regulation for amending the Provisions of Regulation VI. 1823, and for providing more effectually for enforcing the Execution of Contracts relating to the Cultivation and Delivery of Indigo Plant.	Section 2.
I of 1831	A Regulation for rescinding Clause Second, Section III. Regulation XVI. 1825.	The whole.
II of 1831	A Regulation to remove Doubts regarding the Legality of certain Criminal Trials.	The whole.
III of 1831	A Regulation for legalizing the Circulation of Copper Half-Anna and Single Pie Pieces.	The whole.
VI of 1831	A Regulation for the Appointment of one or more Judges, to be ordinarily stationed at Allahabad, for the Purpose of exercising the Powers and Authority of the Sudder Dewanny and Nizamut Adawlut, within the Province of Benares, the Ceded and Conquered Provinces, including the Districts of Meerut, Shaharunpoor, Mozuffurnuggur, and Bolundshuhur, which are now subject to the Chief Commissioner at Delhi, and the Powers and Authority of the Nizamut Adawlut in the Province of Kumaon and the Saugor and Nerbudda Territories.	Section 7, so far as it relates to the Court of Sadr Díwání Adálat.

ACT No. VIII OF 1868.

O. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
VII of 1831	A Regulation for enabling the Governor General in Council to afford Relief to the Commissioners of Circuit, by vesting the Zillah and City Judges, not being Magistrates, with Powers to hold Monthly Gaol Deliveries within their respective Jurisdictions (whenever that measure may be deemed advisable), and for defining the Powers and Duties of the Judges, or other Officers, not being in Charge of the Office of Commissioner, who may be appointed to hold any Gaol Delivery while so employed.	So much as has not been repealed.
IX of 1831	A Regulation for the more speedy and efficient Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut.	So much as has not been repealed.
II of 1832	A Regulation for the better administration of Criminal Justice and the Police in certain Cases.	So much as has not been repealed.
III of 1832	A Regulation for extending the Provisions of Regulation X. 1811.	So much as has not been repealed.
VI of 1832	A Regulation for enabling European Functionaries to avail themselves of the Assistance of respectable Natives in the Administration of Civil or Criminal Justice, and for modifying or dispensing with Futwas by Mahomedan Law Officers in certain Trials.	So far as it relates to Courts for the administration of Civil Justice.
VII of 1832	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing supplementary Rules to that Enactment.	The whole Regulation, except sections 8 and 9.
VIII of 1832	A Regulation for rescinding Regulation XIV. 1814 ...	Sections 2 and 4.
II of 1833	A Regulation for empowering the Governor General in Council to abolish the Provincial Courts of Appeal.	The whole.
V of 1833	A Regulation for forming the Jurisdiction of the City of Dacca and the Zillah of Dacca Jelalpore into one District.	Sections 2 and 4.
VII of 1833	A Regulation for altering the Weight of the new Furruckabad Rupee, and for assimilating it to the Legal Currency of the Madras and Bombay Presidencies; for adjusting the Weight of the Calcutta Sicca Rupee, and for fixing a Standard Unit of Weight for India.	The whole.
I of 1834	A Regulation for limiting and defining the Boundary within which the Calcutta Town Duties are leviable.	The whole.

Office Supdt. Govt. Printing.—No. 3473.—23-4-68 —4000.

ACT No. IX of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 2nd April 1868).

An Act for taxing Professions and Trades.

Preamble.

WHEREAS it is expedient to impose a tax on all persons exercising professions and trades in British India; It is hereby enacted as follows:—

I.—PRELIMINARY.

Interpretation clause.

"Magistrate."

"Person."

"Defaulter."

1. In this Act—unless there be something repugnant in the subject or context—"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police and a Justice of the Peace, and "person" includes a firm, and "defaulter" a firm making default under this Act.

Repeal of Acts.

Saving of other laws relating to taxes or licenses.

2. Acts No. XXI of 1867 *(for the licensing of professions and trades)* and No. XXIX of 1867 *(to explain and amend Act No. XXI of* 1867*)* are hereby repealed; but save as aforesaid nothing in this Act shall be construed to affect the provisions of any other law relating to taxes or licenses.

Exemptions from Act.

3. Nothing in this Act shall apply to—

(1).—Officers of Her Majesty's Forces or of Her Majesty's Indian Forces, whose pay and allowances do not exceed rupees 6,000 per annum, and who are not in Civil employment other than employment in the Police:

(2).—Non-Commissioned Officers and Privates of either of the said Forces, whose pay and allowances do not exceed rupees 6,000 per annum:

(3).—Officers of any Police Force whose pay and allowances do not exceed rupees 6,000 per annum; or

(4).—Any

PRICE EIGHT ANNAS.

Repealed by Act IX of 1871, Sec. 2

(4).—Any part of British India, tribe or class of persons exempted by order under section 4 of the said Act No. XXI of 1867.

And no cultivator of land who does not keep a shop or factory for the sale or manufacture of the produce of such land;

no servant or clerk (whether of Government, a Corporation, a Company, a Municipal Committee, a firm or an individual) whose pay, as such, amounts in the year to less than rupees 1,000;

and no member of a Company or firm which is for the time being certificated under this Act—

shall be liable, as such, to take out a certificate under this Act.

Power to exempt from Act.

4. The Governor General of India in Council may from time to time, by order, wholly exempt from the operation of this Act any part of British India, or any tribe or class of persons in British India or in any such part.

The Governor General of India in Council may revoke any such order and any order made under the said section 4 of Act No. XXI of 1867.

All orders and revocations made under this section shall be published in the *Gazette of India* and also in the local Gazette.

II.—CERTIFICATES.

Certificates to be taken out.

5. Every person who, on or after the first day of May 1868, exercises any profession or trade and whose annual profits from his profession or trade, professions or trades, are rupees 500 or upwards, shall take out a certificate and shall annually pay in advance for the same the sum specified in schedule A hereto annexed.

Continuance of certificate.

6. Every such certificate shall have effect and continue in force from the day of the date thereof until the thirtieth day of April next following, on which day in each year all such certificates shall expire.

Renewal of certificate

7. Every person who has taken out any such certificate and who intends to continue any profession or trade for which such certificate was granted, shall take out a fresh certificate for the year following, to expire on the day last hereinbefore mentioned, and shall so renew the

the same from year to year so long as he continues such profession or trade, and shall pay, in each such case, the duty for the time being thereupon imposed.

Date of certificate.

8. In cases where the certificate is so renewed, the new certificate shall bear date from the day of the expiration of the current certificate before granted.

In all other cases the certificate shall bear date from the day of the application made therefor, although it may be delivered at any day subsequent to the application.

Certificate to persons commencing business.

9. If any person, after the first day of May in this or any subsequent year, commences any profession or trade for the exercise of which a certificate is hereby required, such person not having before taken out any such certificate, the Collector may grant such certificate for the remainder of the current year in which it is taken out, ending on the thirtieth day of April next following the date of the commencement of the said profession or trade, upon payment of such proportional part of the duty thereupon imposed as hereinafter mentioned (that is to say) :—

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of July of the current year in which it is commenced, the person taking out the certificate shall pay the whole duty imposed thereon;

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of October of such current year, he shall pay three-fourth parts of the said duty;

If the profession or trade be commenced at any time in the quarter expiring on the thirty-first day of January of such current year, he shall pay one-half of the said duty; and

If the profession or trade be commenced at any time in the quarter expiring on the thirtieth day of April of such current year, he shall pay a fourth part only of such duty.

Officer to grant certificates.

10. Every certificate under this Act shall be granted by, and the sum payable therefor shall be paid to, the Collector of land revenue for the place or district at or in which the person requiring the certificate exercises his profession or trade:

Provided

Provided that, if such person exercises his profession or trade at or in more than one place or district, the certificate shall be granted and payment made by and to the Collector for the place or district at or in which the principal place of business in British India of the person requiring the certificate is situate.

Every such certificate shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of certificate.

11. Every such certificate shall specify—

(1).—The year or portion of the year for which it is granted;

(2).—The name and profession or trade of the holder;

(3).—The sum paid for the certificate, and

(4).—The place or places, district or districts, where the holder intends to exercise his profession or trade until the thirtieth day of April next following; and shall be received in evidence as *primâ facie* proof of all matters contained therein.

Collector to determine certificate-holders and classes.

12. The Collector shall from time to time determine what persons are liable to take out certificates under this Act, and under which of the classes mentioned in the said schedule every person to whom a certificate may be granted under this Act shall be assessed; and also, in the case of a person commencing a profession or trade, what shall be deemed to be, for the purposes of section 9, the date of such commencement.

List of certificate-holders.

13. As soon as may be after the first day of May in every year, the Collector shall prepare a list of the persons liable to take out certificates under this Act for the current year, and may from time to time alter and add to the said list.

Such list shall state—

(1).—The profession or trade of each person therein named;

(2).—The class under which he is assessed; and

(3).—The sum payable for his certificate.

The

The list shall be filed in the Collector's office, and the list or such part or parts thereof as he thinks fit shall be filed in such other places as he directs, and shall be open to public inspection at all reasonable times without the payment of any fee.

Objection to list.

14. Any person named in such list and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act, if he has paid the sum in which he was assessed under this Act, or (where such sum equals or exceeds rupees forty) if he has paid one moiety thereof, may, within thirty days from such payment, apply by petition to the Collector in order to establish his right to have his name transferred to another class, or removed from the list.

Petition of objector.

The petition shall bear a stamp of eight annas, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Hearing of petition.

15. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, shall hear such petition and pass such order thereupon as to him seems fit.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp together with the excess paid by the petitioner, or (when the order is that the petitioner's name be removed from the list) the whole sum so paid by him.

Appeal from order on petition.

Any person dissatisfied with any order under this section may, within fifteen days from the date thereof, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Every appeal preferred under this section shall bear a stamp of one rupee, and shall be accompanied by a copy of the petition, and the Collector's order thereon

thereon (both of which may be on unstamped paper), and all other documents (if any) connected with the case.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that his name be removed from the list) the whole sum so paid, shall at once be refunded.

Power to summon persons to give necessary information.

16. The Collector or Commissioner and every officer or person exercising the powers of a Collector or Commissioner under this Act, may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine under which of the said classes the petitibner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the petitioner's profession or trade, or to the amount of the annual profits accruing therefrom.

III.—PENALTIES.

Penalty for not taking out a certificate.

17. If at any time not less than fifteen days after the name of any person has been included in the list mentioned in section 13, the Collector has caused a notice to be served on such person stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a certificate and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act;

and if the person so served does not within the period specified in the said notice take out a certificate and pay for the same as required by the said notice,

he shall on conviction before a Magistrate be fined twice the sum mentioned in such notice.

On the recovery of the fine from the person so convicted, the Collector shall grant him a certificate without any further payment.

Every such certificate shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to certificates shall apply to certificates granted under this section.

18. Every

18. Every person required by this Act to take out a certificate, who, without reasonable excuse, neglects or refuses to produce and show his certificate when required so to do by the Collector or by an officer generally or specially empowered in writing by the Collector to make such requisition, shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Certificate to be produced on demand.

19. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Mode of recovering fines.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm which may be found within his jurisdiction, and (if the firm has not sufficient property within such jurisdiction whereon to levy the fine) of any moveable property belonging to the members of the firm or any of them, which may be found within the same jurisdiction.

20. No person shall be proceeded against for any offence under section 17 or section 18 except at the instance of the Collector.

Prosecution to be at instance of Collector.

21. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

IV.—COMPANIES.

22. The Treasurer, Secretary or principal Agent or Manager in India of every Company carrying on business in British India on or after the first day of May 1868, whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not, shall take out a certificate on behalf of such Company, and annually pay in advance for such certificate the sum of rupees 500 and a further sum of rupees 500 for each of the Company's Branches and Agencies (if any) in British India;

Provision as to Companies.

India; or, if he shall prefer so to do, the sum of one per cent. on the dividend declared by such Company during the year ending on the thirty-first day of March in the year of assessment.

Every such Treasurer, Secretary or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this Act.

Such Treasurer, Secretary or principal Agent or Manager shall in every year in which he prefers to pay the aforesaid per-centage, be legally bound to prepare, and, on or before the thirtieth day of April in such year, to deliver to the Collector for the place or district at or in which the Company's principal place of business in British India is situate, a return in writing signed by him and stating the dividend declared by the Company during the year ending on the thirty-first day of March in the year of assessment.

All the other provisions of this Act relating to certificates and to persons required to take out certificates shall apply, *mutatis mutandis*, to certificates taken out under this section and to every such Treasurer, Secretary or principal Agent or Manager as if he were liable to take out a certificate on his own behalf and to pay for the same the sum payable under this section.

V.—Government Officials.

Provision as to Government officials.

23. Every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, other than the persons exempted under section 3 or by order under section 4, shall be deemed to exercise a profession within the meaning of this Act: Provided that he shall not be required to take out a certificate under this Act in respect of such office, employment or commission.

The sum which, but for this proviso, he would have paid for a certificate shall, notwithstanding anything hereinbefore contained, be one per cent. of the amount of his pay, and shall be deducted therefrom at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

In determining under which of the classes mentioned in the said schedule A any person holding any such office, employment or commission, and permitted

mitted, nevertheless, to exercise a profession or trade shall be assessed, the Collector shall neglect the amount of the pay which such person receives in respect of his office, employment or commission.

VI.—SERVANTS OF COMPANIES.

Provision as to servants of Companies

24. No person holding a paid employment under any such Company as is mentioned in section 22 shall be liable, as such, to take out a certificate under this Act: but one per cent. of the amount of his pay, when such pay amounts in the year to rupees 1,000 or upwards, shall be deducted therefrom at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary or principal Agent or Manager of every such Company shall be legally bound to prepare, and, on or before the thirtieth day of April in this and every subsequent year, to deliver to the Collector of the place at which its principal place of business in British India is situate, in such form as may from time to time be prescribed by the Governor General of India in Council, a return in writing showing the names of all persons holding at the date of the said return paid employments under the Company whose pay, as such, amounts in the year to rupees 1,000 or upwards, together with the salaries payable by the Company to such persons respectively.

In determining under which of the classes mentioned in the said schedule A any person holding any such employment and exercising, nevertheless, a profession or trade, shall be assessed, the Collector shall neglect the amount of the pay which such person receives in respect of his said employment.

VII.—PAYMENT

VII.—Payment of the Tax.

Tax when payable.

25. All taxes under this Act, except when they are deducted under section 23 or section 24, shall be payable on the first day of May in each year:

Instalments.

Payment by instalments.

Provided that, in every case where the amount so payable equals or exceeds rupees forty, it may be paid in each year by two instalments: the first instalment to be paid on some day not later than fifteen days after the name of the person paying the same shall have appeared in the list mentioned in section 13, and the second instalment on the first day of November;

Discount.

If in any such case the whole amount be paid on or before the day on which the said first instalment is to be paid as aforesaid, the person paying such whole amount shall be entitled to a discount of two and a half per cent. on the amount of the second instalment.

Death or insolvency of person paying first instalment.

26. When any person pays only such first instalment, and, between the first day of May and the second day of November, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of which his certificate was granted, or takes the benefit of any Act for the relief of insolvent debtors, the amount of the second instalment shall not be claimable.

Firm paying first instalment and dissolving partnership or becoming insolvent.

When any firm pays only such first instalment, and, between the first day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying whole amount.

27. When any person pays the whole amount as aforesaid, and, between the first day of May and the second day of November, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of which his certificate was granted, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said discount (if any), shall be paid to his representative or himself or his assignee, as the case may be.

When

When any firm pays the whole amount as aforesaid, and, between the first day of May and the second day of November, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, one moiety of such amount, less the said discount (if any), shall be re-paid under such rules as the Governor General of India in Council shall from time to time prescribe.

Firm paying whole amount and dissolving partnership or becoming insolvent.

Recovery of Second Instalment.

28. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall on conviction before a Magistrate be fined twice the amount so mentioned.

Recovery of second instalment.

Recovery under Revenue-law.

29. In any case arising outside the local limits of the towns of Calcutta, Madras or Bombay, the Collector may, if he thinks fit, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue:

Optional recovery under revenue-law.

Provided that, at some time not less than fifteen days after the name of the defaulter has been included in the list mentioned in section 13, the Collector has caused a notice to be served on him stating to the effect mentioned in section 17 or section 28 (as the case may be): provided also, that the defaulter has not, within the period specified in such notice, complied with the requirement made therein.

On the recovery of the tax from the defaulter, the Collector shall grant him a certificate without any further payment.

Every such certificate shall bear date from the recovery of the tax, and, save as aforesaid, the provisions of this Act relating to certificates shall apply to certificates granted under this section.

Payment of Taxes and Fines.

30. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Payment of taxes levied and fines recovered under this Act.

VIII.—MISCELLANEOUS.

VIII.—MISCELLANEOUS.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

31. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue, may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

Service of notices.

32. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him ; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person therein named is dwelling, or, in the case of a firm, in which the business thereof is ordinarily carried on.

Power to declare principal place of business.

33. When any Company such as is mentioned in section 22, or any person, has several places of business in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any such Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

When any such Company or any person has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

34. The

Salaries and establishments.

34. The Local Government may, with the previous sanction of the Governor General of India in Council, assign such salaries as such Government may from time to time deem proper to the officers appointed under this Act, and allow such establishments for their respective offices as may be necessary for the purposes of this Act.

Governor General in Council empowered to make rules.

35. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

Commencement of Act.

36. This Act shall come into operation on the first day of May 1868.

SCHEDULE A.

TAX ON PROFESSIONS AND TRADES.

	Rupees.
CLASS I.	
Persons whose annual profits shall be assessed at rupees 400,000 and upwards	6,400
CLASS II.	
Persons whose annual profits shall be assessed at rupees 200,000, or at more than rupees 200,000 and less than rupees 400,000	3,200
CLASS III.	
Persons whose annual profits shall be assessed at rupees 100,000, or at more than rupees 100,000 and less than rupees 200,000	1,600
CLASS IV.	
Persons whose annual profits shall be assessed at rupees 50,000, or at more than rupees 50,000 and less than rupees 100,000	800
CLASS V.	
Persons whose annual profits shall be assessed at rupees 25,000, or at more than rupees 25,000 and less than rupees 50,000	400

CLASS VI.

CLASS VI.

	Rupees.
Persons whose annual profits shall be assessed at rupees 10,000, or at more than rupees 10,000 and less than rupees 25,000	160

CLASS VII.

Persons whose annual profits shall be assessed at rupees 5,000, or at more than rupees 5,000 and less than rupees 10,000	80

CLASS VIII.

Persons whose annual profits shall be assessed at rupees 2,500, or at more than rupees 2,500 and less than rupees 5,000	40

CLASS IX.

Persons whose annual profits shall be assessed at rupees 1,000, or at more than rupees 1,000 and less than rupees 2,500	16

CLASS X.

Persons whose annual profits shall be assessed at rupees 500, or at more than rupees 500 and less than rupees 1,000	8

SCHEDULE B.

Form of Petition under section 14.

Stamp
eight annas.

TO THE COLLECTOR OF

The *day of* 186 .

The petition of *A B.* of

SHEWETH—

1*st.*—That in the list filed in your office pursuant to the 13th section of Act No. IX of 1868, on the day of 186 , your petitioner's name appears under the *ninth* of the classes mentioned in schedule A to the said Act annexed, that he has been assessed in the sum of rupees *sixteen* for the certificate granted to him under such Act, and that he has paid such sum accordingly.

2*nd.*—That the profits of your petitioner's profession [*or* trade] of [*here state petitioner's profession or trade*] for the year ending the thirtieth day of April last were rupees

[*more*

[*more than rupees* 500 *and less than rupees* 1,000 or *less than rupees* 500], as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

Your petitioner therefore prays that you will remove his name from the *ninth* to the *tenth* of the said classes, that he may be assessed accordingly, and that the excess of rupees *eight* so paid by him and the value of the stamp on this petition may be refunded, [*or* that his name be removed from the said list and that the sum of rupees *sixteen* so paid by him and the value of the stamp on this petition may be refunded].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

Office Supdt Govt. Printing.—No. 3188 L. C.—17-4-68 -6,000.

BENGAL SECRETARIAT LIBRARY

ACT No. X OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 2nd April* 1868.)

An Act to amend the Consolidated Customs' Act.

Preamble

WHEREAS section 132 of the Consolidated Customs' Act (No. VI of 1863) provides that no refund of duty levied upon goods not shipped, or upon goods shipped and afterwards relanded, shall be allowed, unless application to re-land shall have been made, or notice of non-shipment shall have been given, before the vessel on which such goods were intended to be shipped, or from which they were re-landed, shall have left the port; And whereas it is expedient to extend the time within which such application or notice may be made or given; It is hereby enacted as follows:—

Amendment of Act No. VI of 1863, section 132.

1. For the proviso contained in the said section, the following shall be substituted:—

Provided that no such refund shall be allowed unless application to re-land shall have been made, or notice of non-shipment shall have been given, within three clear working days after the vessel on which such goods were intended to be shipped or from which they were re-landed shall have left the port.

Short title

2. This Act may be called the "Consolidated Customs' Act Amendment Act."

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 3049 L. C.—17-4-68.—3 000.

ACT No. XI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 2nd April* 1868).

An Act to exempt Timber and Woods from Import Duty.

Preamble.

WHEREAS it is expedient to exempt timber and woods imported by sea into British India from the duties of customs chargeable thereon; It is hereby enacted as follows:—

Seaborne timber exempt from import duty.

1. Notwithstanding anything contained in "The Indian Customs' Duties' Act, 1867", no duties of customs shall be chargeable on timber and woods imported by sea into British India.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 3044 L. C.—17 4-68.—3,000.

ACT No. XII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 11*th February* 1868.)

An Act to empower the Governor General of India in Council to suspend the operation of section 17 *of Act No. XI of* 1841.

Power to suspend Act No XI of 1841, section 17.

1. It shall be lawful for the Governor General of India in Council, by notification in the *Gazette of India*, to suspend in any Military Cantonment beyond the limits of British India the operation of section seventeen of Act No. XI of 1841 *(for consolidating and amending the Regulations concerning Military Courts of Requests for Native officers and soldiers in the service of the East India Company)* from such day as shall be specified in the said notification until further notice, or to such other day as shall be specified in such notification.

PRICE TWO ANNAS.

Office Supdt. of Govt Printing No. 3222 L. C.—18-4 68—2,600.

ACT No. XIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 11*th April* 1868).

An Act to exempt the King of Oudh from the jurisdiction of the Civil Courts, and for other purposes.

Preamble.

WHEREAS it is expedient to exempt the King of Oudh from the jurisdiction of the Civil Courts, and to render him incapable of entering into certain contracts; It is hereby enacted as follows:—

Repeal of Act VIII of 1862, section 1.

1. Section four of Act No. VIII of 1862 *(to protect the personal dignity of His Majesty the King of Oudh)* is hereby repealed.

No suits to be brought against the King of Oudh, unless with consent of Government.

2. No suit shall be commenced or prosecuted, and no writ or process shall at any time be sued for, against the person or property of His Majesty the King of Oudh, unless such suit shall be commenced, or such writ or process shall be sued for, with the consent of the Governor General of India in Council first had and obtained.

Such consent shall be certified by the signature of one of the Secretaries to the Government of India, and every such signature shall be judicially noticed.

And any suit which at any time shall have been or shall be commenced, and any writ or process which at any time shall have been or shall be sued for, against the person or property of His said Majesty without such consent so certified as aforesaid, shall be null and void.

King of Oudh to be incapable of contracting.

3. His said Majesty shall be incapable of entering into any contract which may give rise to any pecuniary obligation on his part.

4. Nothing

PRICE TWO ANNAS.

Nothing in this Act to render Secretary of State or Government of India liable.

4. Nothing herein contained shall be deemed to render the Secretary of State for India in Council, or the Government of India, liable for any debt heretofore contracted by or on behalf of His said Majesty, or in respect of any claim to be reimbursed which may be made by any person supplying His said Majesty with necessaries.

Short title

Commencement of Act.

5. This Act may be called "The King of Oudh's Act, 1868," and shall come into operation on the first day of May 1868.

Calcutta Central Printing.—No. 3223 L.—18.4.6.—2,000

ACT No. XIV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 17*th April* 1868).

An Act for the Prevention of certain Contagious Diseases.

Preamble.

WHEREAS it is expedient to provide for the better prevention of certain contagious diseases; It is hereby enacted as follows :—

Preliminary.

Short title.

1. This Act may be cited as "The Indian Contagious Diseases' Act, 1868."

Interpretation-clause.

2. In this Act—

"Magistrate."

"Magistrate" means any person exercising the powers of a Magistrate or of a Subordinate Magistrate of the first class, and includes a Magistrate of Police in a Presidency Town :

"Contagious disease."

"Contagious disease" means any contagious venereal disease :

"Brothel-keeper."

"Brothel-keeper" means the occupier of any house, room or place to or in which women resort or are for the purpose of prostitution and every person managing or assisting in the management of any such house, room or place.

Extent of Act.

3. The places to which this Act applies shall be such places as the Local Government shall from time to time, with the previous sanction of the Governor General of India in Council, specify by notification in the official Gazette. The limits of such places shall, for the purposes of this Act, be such as are defined in the said notification, and may from time to time, with such sanction as aforesaid, be altered by a like notification.

Unregistered

PRICE FOUR ANNAS.

Unregistered Prostitutes and Brothel-keepers.

Punishment of unregistered prostitutes and brothel-keepers

4. In any place to which this Act applies, no woman shall carry on the business of a common prostitute, and no person shall carry on the business of a brothel-keeper, without being registered under this Act at such place, and without having in her or his possession such evidence of registration as hereinafter provided.

Any woman carrying on the business of a common prostitute, and any person carrying on the business of a brothel-keeper, without having been registered as aforesaid, or without having in her or his possession such evidence as aforesaid, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Registration of Prostitutes and Brothel-keepers.

Local Government to make rules for registration and appoint officers.

5. The Local Government shall make rules for the registration of common prostitutes and of brothel-keepers, and shall appoint officers for the conduct of such registration, and may, with the previous sanction of the Governor General of India in Council, assign salaries and establishments to the said officers. The Local Government shall also provide such books and forms as may be necessary for the purposes of this Act.

Every woman complying with such rules (so far as they relate to prostitutes) and every brothel-keeper complying with such rules (so far as they relate to brothel-keepers) shall be deemed to be registered under this Act, and the registering officer shall furnish her or him with such evidence of registration as the Local Government shall from time to time direct.

The name, age, caste (if any) and residence of every such woman and such other particulars respecting her as the Local Government shall from time to time direct, shall be entered in a book to be kept for that purpose.

The name and residence of every such brothel-keeper and the situation of the house, room or place in which he carries on his business shall be entered in a book to be kept for that purpose.

6. Whenever

6. Whenever any such woman changes her residence, she shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations shall be made in the said book and in the evidence of registration furnished to her as aforesaid.

Change of residence.

Any such woman failing to give notice as aforesaid shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Whenever any brothel-keeper changes his residence or acquires or enters into the occupation of any such house, room or place as last aforesaid, other than the house, room or place of which the situation has been registered as aforesaid, he shall give notice thereof to such person and in such manner as the Local Government shall from time to time direct, and the necessary alterations or additions shall be made in or to the said book and in the evidence of registration furnished to him as aforesaid.

Any such brothel-keeper failing to give notice as last aforesaid shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Refusal to show Evidence of Registration.

7. Any registered woman or brothel-keeper who, without reasonable excuse, neglects or refuses to produce and show the evidence of her or his registration with which she or he shall have been furnished as aforesaid, when required so to do by such officer as the Local Government shall from time to time appoint in this behalf, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to fourteen days, or with fine not exceeding fifty rupees, or with both.

Penalty for refusing to show evidence of registration.

Information of the class of officers for the time being authorized to make requisitions under this section shall be furnished to registered women and brothel-keepers, under such rules as the Local Government shall from time to time prescribe.

Special

Special Provisions relating to Brothels.

Penalty for permitting unregistered prostitutes to resort to brothels.

8. If any brothel-keeper, whether registered as such under this Act or not, has reasonable cause to believe any woman to be a prostitute and not to be registered under this Act, and induces or suffers her to resort or be, for the purpose of prostitution, to or in the house, room or place in which he carries on his said business, he shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Proviso.

Provided that nothing in this or any other section of this Act shall exempt the offender from any penal or other consequences to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house or for the nuisance thereby occasioned.

Brothel-keepers legally bound to furnish information.

9. Every such brothel-keeper shall be legally bound to furnish information on any subject relating to his business to such officers and in such manner and at such times as the Local Government shall from time to time prescribe in this behalf. Every such officer shall, for the purposes of this section, be deemed to be a public servant.

Examination of Prostitutes.

Examination of prostitutes.

10. The Local Government shall have power to appoint persons to make periodical examinations of registered women in order to ascertain whether at the time of each such examination they are affected with contagious disease.

Local Government may make rules as to examinations.

11. For each of the places to which this Act applies, the Local Government may make rules consistent with this Act respecting the times and places of examination under this Act at that place, and generally respecting the arrangements for the conduct of those examinations and for recording the results thereof; and a copy of rules purporting to be rules under this section shall, if signed by a Secretary to such Government, be evidence of such rules for the purposes of this Act.

The

The Local Government may also require the persons making such examination to send in reports to such persons at such times and in such form as the Local Government shall from time to time prescribe.

Reports.

Any person not a medical officer appointed to make such examination, and any registered woman, disobeying any rule made under this section, shall, on conviction before a Magistrate, be punished with simple imprisonment for a term which may extend to one month, or with fine not exceeding one hundred rupees, or with both.

Penalty for disobeying rules.

Certified Hospitals.

12. The Local Government may from time to time provide any buildings or parts of buildings as Hospitals for the purposes of this Act.

Local Government may provide and certify Hospitals.

Any building or part of a building so provided and certified in writing by a Secretary to the Local Government to be so provided, shall be deemed a certified Hospital under this Act.

Every certified Hospital so provided shall be placed under the control and management of such persons as to the Local Government shall from time to time seem fit.

Control of such Hospitals.

13. The Local Government shall make regulations for the inspection, management, and government of the Hospitals as far as regards women authorized by this Act to be detained therein for medical treatment or being therein under medical treatment for a contagious disease.

Regulations for management of Hospitals.

A copy of regulations purporting to be regulations made under this section shall, if signed by a Secretary to such Government, be evidence of such regulations for the purposes of this Act.

14. Any woman registered under this Act shall, on receiving notice from any such officer as the Local Government shall from time to time appoint in this behalf, proceed to the certified Hospital named in such notice and place herself there for medical treatment.

Registered prostitutes on receiving notice to go to Hospital.

If

If after the notice is delivered to her, she neglects or refuses to proceed to the said Hospital within the time specified in the said notice, an officer of Police shall apprehend her and convey her with all practicable speed to such Hospital, and place her there for medical treatment.

Penalty for neglect or refusal.

15. Whenever any such woman affected with contagious disease places herself or is placed as aforesaid in a certified Hospital for medical treatment, she shall be detained there for that purpose by such medical officer of the Hospital as the Local Government shall from time to time appoint in this behalf until discharged by him by writing under his hand.

Detention of prostitutes under medical treatment.

Medical treatment, lodging, clothing and food shall be provided gratis for every such woman during her detention in the Hospital.

16. If any woman authorized by such medical officer to be detained in a certified Hospital for medical treatment, quits the Hospital without being discharged therefrom by the chief medical officer thereof, by writing under his hand (the proof whereof shall lie on the accused), or

Penalty for leaving Hospital before discharge.

if any woman authorized by this Act to be detained in a certified Hospital for medical treatment, or any woman being in a certified Hospital under medical treatment for a contagious disease, refuses or wilfully neglects while in the Hospital to conform to the regulations thereof approved under this Act,

Penalty for disobeying regulations of Hospital.

then and in every such case such woman shall, on conviction before a Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months; and in case she quits the Hospital without being discharged as aforesaid, she may be taken into custody without warrant by any officer of Police.

On the expiration of her term of imprisonment under this section, such woman shall be sent back from the prison to the certified Hospital, and shall be detained there unless the medical officer of the prison at the time of her discharge from imprisonment certifies in writing that she is free from contagious disease (the proof of which certificate shall lie on her).

Out-door

Out-door Treatment of Prostitutes.

Power to provide for out-door treatment of registered women.

17. It shall be lawful for the Local Government to empower such surgeons or other persons as it shall from time to time appoint, to prescribe, by order to be served on any woman registered under this Act, who has not received a notice under section fourteen, the times and places at which she shall attend for medical treatment, and, if necessary, the medical treatment to which she shall submit.

Every such woman disobeying or failing to comply with any such order, shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to a month, or with fine not exceeding one hundred rupees, or with both.

Penalty for acting as a prostitute while under medical treatment.

18. If any registered woman on whom such order as last aforesaid shall have been served, conducts herself as a common prostitute before such surgeon or other person empowered as last aforesaid certifies in writing to the effect that she is then free from a contagious disease (the proof of which certificate shall lie on her), she shall, on conviction before a Magistrate, be punished with imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Subsistence-allowance.

19. During the interval between the service of such order upon any registered woman and the granting of such certificate, an allowance for her subsistence shall be provided of such amount and in such manner as the Local Government shall from time to time prescribe.

Segregation of Prostitutes.

Penalty for residing n street or place after prohibition.

20. In any place to which the Local Government shall, by notification in the official Gazette, have specially extended this section, it shall be lawful for such officer as the Local Government shall from time to time appoint in this behalf, to cause a notice to be served on any registered woman, requiring her, after an interval of not less than seven days to be mentioned in the notice, not to reside in any street or place therein specified.

Any registered woman on whom such notice shall have been served disobeying the requisition therein contained shall, on conviction before a Magistrate,

Magistrate, be punished with imprisonment, in the case of a first offence, for any term not exceeding one month, and in the case of a second or any subsequent offence, for any term not exceeding three months.

Removal from Registry.

Removal of name from registry.

21. The Local Government shall lay down rules prescribing a procedure in accordance with which any woman registered under this Act and desirous of ceasing to carry on the business of a common prostitute in the place at which she is registered and of having her name removed from the said book may have her name removed accordingly.

Miscellaneous.

Institution of prosecutions.

22. No prosecution shall be instituted under this Act except at the instance of such officer as the Local Government shall from time to time appoint in this behalf.

Presumption as to signatures.

23. In any proceeding under this Act, any notice, order, certificate, copy of regulations, or other document purporting to be signed by any person in the service of Government, or by any person whom the Local Government shall have, in exercise of the powers conferred on it by this Act, appointed to sign such document, shall on production be received in evidence and shall be presumed to have been duly signed by the person and in the character by whom and in which it purports to be signed, until the contrary is shown.

Service of notice.

24. Every notice and order required by this Act to be served on a woman shall be served by delivery thereof either to her personally or to some person for her at her usual place of abode.

Limitation of suits.

25. Any suit against any person for anything done in pursuance of this Act, shall be commenced within three months after the thing done, and not otherwise.

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement of the suit.

The plaintiff shall not recover if tender of sufficient amends is made before suit, or if a sufficient sum of money is paid into Court after suit brought, by or on behalf of the defendant.

26. The

26. The Local Government shall have power from time to time to declare by what officer anything directed to be done by this Act shall be done, and by what class of officers information regarding anything made an offence by this Act shall be exclusively furnished.

Power to make rules.

The Local Government may also from time to time make rules consistent with this Act for the guidance of officers in all matters connected with its enforcement.

The Local Government may also from time to time alter and add to any rules or regulations made under this Act: Provided that such alterations and additions are not inconsistent with any of the provisions hereinbefore contained.

Office Supdt. Govt. Printing.—No. 3493 L. C.—23-4-68.—3500.

ACT No. XV of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 17*th April* 1868).

An Act to provide for the collection of fees, by means of stamps, in the High Courts and the Courts of Small Causes at the Presidency Towns.

Preamble.

WHEREAS it is expedient to amend the law relating to the collection of fees in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras and Bombay; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The High Court Fees' Act, 1868."

Repeal of Act XX of 1862, sections 1, 3 and 4.

2. Sections one, three and four of Act No. XX of 1862 (*to provide for the levy of Fees and Stamp Duties in the High Court of Judicature at Fort William in Bengal; and to suspend the operation of certain sections of Act VIII of* 1859 *in the said High Court*) are hereby repealed.

Fees to be collected by stamps.

3. All fees for the time being chargeable in the High Courts of Judicature and the Courts of Small Causes at Fort William in Bengal, Madras and Bombay, and their several offices, shall be collected by stamps from such date, in the said High Court of Judicature in Fort William, as the Governor General of India in Council shall notify in the *Gazette of India*, and from such date, in the said other High Courts and in each of the said Courts of Small Causes, as the Local Government shall notify in the local official Gazette.

Stamps to be impressed or adhesive.

4. All or any stamps to be used under this Act shall be impressed or adhesive as the Local Government may from time to time direct.

5. The

PRICE TWO ANNAS.

General rules to be made by Local Government.

5. The Local Government, with the concurrence of the Chief Justice of the High Court, in the case of such Court, and with the concurrence of the First Judge of the Court of Small Causes, in the case of such Court, may, from time to time, make rules for regulating the use of stamps under this Act, and particularly for prescribing the application thereof to documents from time to time in use or required to be used for the purposes of such stamps, and for insuring the proper cancellation of such stamps, the renewal of damaged or spoilt stamps, and keeping accounts of all stamps used under this Act.

Documents not properly stamped to be invalid.

6. No document which ought to bear a stamp under this Act shall be of any validity unless and until it is properly stamped; but if any such document is through mistake or inadvertence received, filed, or used, in the High Court or the Court of Small Causes, without being properly stamped, a Judge of the High Court or of the Court of Small Causes (as the case may be) may, if he thinks fit, order that the same be stamped as in such order may be directed, and on such document being stamped accordingly, the same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

Amendment of stamped instrument.

7. Where any such document is amended in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

Saving of fees allowed to sheriff, &c.

8. Nothing in this Act shall apply to the fees allowed to the sheriff or attorneys of the High Court, or to the fees which any officer of such Court shall be allowed to receive in addition to any fixed salary.

Procedure in case of difference as to necessity of imposing a stamp.

9. If any difference arise between the officer whose duty it is to see that any stamp is affixed under this Act and any suitor or attorney, as to the necessity of imposing a stamp or the amount thereof, the question shall, when the difference arises in the High Court, be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court.

When

When any such difference arises in any of the said Courts of Small Causes, the question shall be referred to the Clerk of the Court, whose decision thereon shall be final, except when the question is, in his opinion, one of general importance, in which case he shall refer it to the final decision of the First Judge of such Court.

Office Supdt. Govt. Printing.—No. 3425 L. C.—23-4-68.—3,500.

ACT No. XVI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 24th April* 1868).

An Act to consolidate and amend the law relating to Principal Sadr Amíns, Sadr Amíns and Munsifs in Bengal, and for other purposes.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to Principal Sadr Amíns and Munsifs in the territories respectively under the Governments of the Lieutenant Governor of the Lower Provinces and of the Lieutenant Governor of the North-Western Provinces, of the Presidency of Fort William in Bengal, and to abolish the office of Sadr Amín, and to alter the designation of the officers now styled Principal Sadr Amíns; and whereas it is also expedient to provide for the investment of Subordinate Judges and Munsifs in such territories with the jurisdiction of Judges of Courts of Small Causes beyond the local limits of the ordinary original civil jurisdictions of the High Courts of Judicature; It is hereby enacted as follows:—

PRELIMINARY.

Repeal of enactments.

1. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

2. In this Act—

"Local Government."

"Local Government" means the Lieutenant Governor of the Lower Provinces, or the Lieutenant Governor of the North-Western Provinces, of the said Presidency, as the case may be;

"High Court."

"High Court" means the High Court of Judicature at Fort William, or the High Court of Judicature of the North-Western Provinces of the said Presidency, as the case may be; and

"District

PRICE FOUR ANNAS.

Vide Act No. II/I. C. of 1870.

"District Judge."

"District Judge" means the Judge of a principal civil court of original jurisdiction.

Extent of Act.

3. This Act extends only to the territories for the time being respectively under the Governments of the Lieutenant Governor of the Lower Provinces and the Lieutenant Governor of the North-Western Provinces of the said Presidency.

SUBORDINATE JUDGES AND MUNSIFS.

First Subordinate Judges.

4. The present Principal Sadr Amíns shall be the first Subordinate Judges, and (subject to any alteration of the limits of their local jurisdiction which may be made by the Local Government) shall severally exercise the jurisdiction of Subordinate Judges under this Act within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

First Munsifs.

The present Sadr Amíns and Munsifs shall be the first Munsifs, and (subject to any alteration of the limits of their local jurisdiction which may be made by the Local Government) shall severally exercise the jurisdiction of Munsifs under this Act within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

Appointment of Subordinate Judges and Munsifs.

5. Whenever the office of a Subordinate Judge under this Act is vacant, the Local Government may appoint to the office such person as it thinks proper.

Whenever the office of a Munsif under this Act is vacant, the High Court shall nominate such person as it thinks fit to fill such office, and the Local Government shall appoint him accordingly.

It shall be lawful for the Local Government, with the sanction of the Governor General of India in Council, to make rules as to the qualifications of persons to be nominated Munsifs under this Act, and from time to time to alter and add to the rules so made.

When such rules shall have been made, no person, notwithstanding anything hereinbefore contained, shall be nominated to the office of Munsif, unless he possesses the qualifications prescribed by the said rules.

Acting

Acting Appointments.

6. Any District Judge, on the occurrence within his jurisdiction of any vacancy in the office of Munsif, may, pending the orders of the High Court thereon, appoint such person as he thinks fit to act in such office. And he shall forthwith report to the High Court the occurrence of every such vacancy and of every such appointment.

District Judge's power to make acting appointment to office of Munsif.

Declaration.

7. Every person hereafter appointed under this Act shall, on his first appointment, and previously to entering on the duties of his office, subscribe, before the District Judge to whose control he is subject, the following declaration :—

Declaration.

"I, *A. B.*, appointed Subordinate Judge [*or* Munsif] of , do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

8. Every Subordinate Judge and Munsif under this Act shall be deemed to be a Civil Court within the meaning of the Code of Civil Procedure and of this Act.

Subordinate Judges and Munsifs to be Civil Courts.

Ministerial Officers.

9. All ministerial officers of the Courts of Subordinate Judges and Munsifs shall be nominated and appointed by those Courts respectively, subject to the approval of the District Judge within whose jurisdiction such Courts are situate.

Appointment of ministerial officers.

Every such Court may, by order, fine, suspend or dismiss any of its ministerial officers who is guilty of any misconduct or neglect in the performance of the duties of his office. But every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Suspension

Suspension of Subordinate Judges and Munsifs.

Suspension by High Court or District Judge.

10. The High Court may, whenever it sees urgent necessity for so doing, suspend any Subordinate Judge under its control.

Whenever the High Court suspends any such Subordinate Judge, it shall forthwith report to the Local Government the circumstances of such suspension, and the Local Government may direct him to be removed from his office, or make such other order as the case may require.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend any Munsif under his control.

Whenever the District Judge suspends any such Munsif, he shall forthwith send to the High Court a full report of the case with the evidence, and the High Court shall make such order in the matter as it thinks fit.

The High Court may at any time by order remove from his office or suspend any Munsif subject to its control.

JURISDICTION.

Local Limits of Jurisdiction.

Local limits of jurisdiction.

11. The Local Government may define and from time to time vary the local limits of the jurisdictions of Subordinate Judges and Munsifs.

Pending Proceedings.

Jurisdiction over pending proceedings.

12. Every Court under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted, as the Principal Sadr Amín, Sadr Amín or Munsif (as the case may be) of such Court would have had if this Act had not been passed:

Provided that every Munsif exercising jurisdiction under this Act within the local limits of a Sadr Munsifí shall have jurisdiction over all proceedings pending in the Court of the Sadr Amín immediately before the passing of this Act.

Extent

Extent of Jurisdiction.

(*a.*)—*Munsifs.*

13. Munsifs are empowered to try all original suits cognizable by the Civil Courts of which the subject-matter does not exceed in amount or value rupees one thousand.

Jurisdiction of Munsifs.

14. In all such suits in which an appeal is, for the time being, allowed by law, an appeal shall lie from the decision of the Munsif to the District Judge to whose control he is subject.

Appeals to District Judge from Munsifs.

(*b.*)—*Subordinate Judges.*

15. Subordinate Judges are empowered to try all original suits cognizable by the Civil Courts of which the subject-matter exceeds in amount or value rupees one thousand, and (if the District Judge shall have referred them under the Code of Civil Procedure) suits of which the subject-matter is of any less amount or value.

Original jurisdiction of Subordinate Judges.

16. The Local Government may invest any Subordinate Judge with the powers of a Munsif under section thirteen, and may define and from time to time vary the local limits within which such powers are to be exercised.

Power to invest Subordinate Judges with Munsifs' powers.

17. Every District Judge may from time to time, subject to the orders of the High Court, refer to any Subordinate Judge under his control any appeals pending before him from decisions passed by Munsifs under section thirteen; and such Subordinate Judge shall hear and dispose of such appeals accordingly.

Appellate jurisdiction of Subordinate Judges.

18. In suits decided by any Subordinate Judge in the exercise of his original jurisdiction, of which the amount or value of the subject-matter does not exceed rupees five thousand, an appeal shall lie to the District Judge to whose control such Subordinate Judge is subject.

Appeals to District Judge from Subordinate Judges.

In all other suits decided by any Subordinate Judge, whether in the exercise of his original or appellate jurisdiction, the appeal from the decision of such Judge shall be direct to the High Court.

Appeals to High Court from Subordinate Judges.

19. The

19. The High Court may from time to time by order authorize the Judge of any District Court to transfer to a Subordinate Judge or Munsif subject to the control of such District Court any civil proceedings (not being suits), or any class of such proceedings, specified in such order and which may be then pending, or may be thereafter instituted, in such District Court.

High Court may order District Judge to transfer to a Subordinate Judge or Munsif certain civil proceedings.

All proceedings so transferred shall be disposed of by the Subordinate Judge or Munsif (as the case may be) according to the rules prescribed for the guidance of District Judges in the like cases:

Provided that an appeal from the order of the Subordinate Judge or Munsif in such cases shall lie to the District Judge, and a special appeal from his order thereon shall lie to the High Court, if an appeal from the decision of the Judge in such proceedings is allowed by the law in force for the time being.

(c.)—Small Cause Court Powers.

20. The Local Government may invest, within such local limits as it shall from time to time appoint, any Subordinate Judge with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts, up to the amount of rupees five hundred, and any Munsif with the same jurisdiction up to the amount of rupees fifty, and may, whenever it thinks fit, withdraw such jurisdiction from the Subordinate Judge or Munsif so invested.

Power to invest Subordinate Judge or Munsif with powers of Small Cause Court Judge.

---

21. Section 51 of Act No. XI of 1865 (*to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature*) shall be read as if, for the words "Principal Sudder Ameen," the words "Subordinate Judge" were substituted.

Power to invest Small Cause Court Judge with powers of Subordinate Judge.

SCHEDULE.

ACT No. XVI OF 1868.

SCHEDULE.

Number of Regulation or Act.	Title or subject	Extent of Repeal.
Bengal Regulation XXIII of 1814.	A Regulation for reducing into one Regulation, with Amendments and Modifications, the several Rules which have been passed regarding the Office of Moonsiffs or Native Commissioners, and of Sudder Aumeens or Head Commissioners; for modifying and extending their respective Powers in the Trial and Decision of Civil Suits; and for authorizing them to discharge certain additional Duties under the Direction of the Zillah and City Judges.	So much as has not been repealed.
Bengal Regulation XVIII of 1817.	A Regulation to modify the Rules in Force which prescribe an oath of Office to be taken by certain Native Officers; and to explain and amend other Provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.	So far as relates to Principal Sadr Amíns, Sadr Amíns and Munsifs.
Bengal Regulation V of 1831.	A Regulation for extending the Powers of Moonsiffs and Sudder Aumeens in the Trial of Civil Suits, and for authorizing the Appointment of Principal Sudder Aumeens at the Zillah and City Stations; for modifying the Powers and Duties of the Zillah, City, and Provincial Courts in connection with those Arrangements; and for enlarging the Sphere of Selection with regard to the Offices of Moonsiff and Vakeel.	So much as has not been repealed.
Bengal Regulation VII of 1832.	A Regulation for modifying certain of the Provisions of Regulation V. 1831, and for providing Supplementary Rules to that Enactment.	The whole Regulation, except so much of section 8 as provides that the rule contained in section XV, Regulation IV. 1793, and the corresponding enactment contained in clause first, section XVI, Regulation III. 1803, shall be the rule of guidance in all suits regarding succession, inheritance, marriage and caste, and all religious usages and institutions, that may arise between persons professing the Hindoo and Mahomedan persuasions respectively.
Act No. VIII of 1836.	Bengal judiciary system	The whole.
Act No. XXV of 1837.	Bengal judiciary system	So much as has not been repealed.
Act No. XXXVII of 1850.	For regulating Inquiries into the Behaviour of Public Servants.	Section 24.

Office Supdt. Govt. Print'ng.—No. 3533, L. C.—27-4-68.—3,500.

ACT No. XVII of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 20th May 1868).

An Act to appoint a Commission to enquire into the failure of the Bank of Bombay.

Preamble

WHEREAS the Bank of Bombay is at present unable to pay its debts, and is now being wound up voluntarily pursuant to a special resolution to that effect passed by the shareholders in general meeting; And whereas the Secretary of State for India has directed that an enquiry should be made into the causes and circumstances of such inability and winding up; It is hereby enacted as follows:—

Appointment of Commission.

Appointment of Commissioners.

1. The Governor General of India in Council may issue a commission to such persons as he thinks fit for the purpose of enquiring into and reporting on the causes and circumstances aforesaid.

The Governor General of India in Council may from time to time add to the persons named in such commission.

The Commissioners shall fully enquire into the said matters, and shall, as soon as they conveniently can do so, report thereon to the Governor General of India in Council.

Power to appoint new Commissioner.

2. In case any Commissioner appointed or added under this Act shall die, or resign, or desire to be discharged, or refuse, or become incapable to act, the Governor General of India in Council may appoint a new Commissioner in his place; and all the powers and duties by this Act conferred and imposed on a Commissioner shall be exercised and performed by the Commissioner so appointed.

3. The

PRICE TWO ANNAS.

3. The Commissioners shall enter upon the said enquiry in the town of Bombay on the first day of June 1868, or as soon after that day as they can conveniently do so, and such enquiry may be continued in the said town or at such other place within the territories under the government of the Governor of Bombay in Council as the Governor General of India in Council shall from time to time appoint.

Commencement of enquiry.

The said enquiry shall be conducted in public: Provided that, if a majority of the Commissioners shall from time to time think fit, any part of such enquiry may be conducted with closed doors.

Powers of Commissioners.

4. The Commissioners may, by summons under the hands of any two of them, require the attendance before them at a time and place to be mentioned in such summons, of any person residing or being within British India whose evidence is in their judgment material to any of the matters of the enquiry aforesaid, and may require him to bring and produce before them all such books, papers and writings as they think necessary for arriving at the truth of the said matters.

Attendance of witnesses.

Every such person shall accordingly attend before the Commissioners and shall produce such books, papers and writings as are required of him and are in his possession or power, according to the tenor of the summons.

5. The Commissioners may administer an oath to every person examined before them, touching the matters to be enquired into under this Act, but it shall not be necessary for them to take evidence upon oath unless they think fit so to do.

Examination of witnesses on oath.

6. If any person upon whom any such summons is served by the delivery thereof to him or by the leaving thereof at his usual place of abode, fails, without reasonable cause (to be allowed by the Commissioners), to appear before them at the time and place mentioned in the summons;

Witnesses refusing to attend or answer or giving false evidence.

or refuses to be sworn;

or does not make answer to such questions as are put to him touching the matters directed to be enquired into by the Commissioners;

or

or refuses or fails without reasonable cause (to be allowed by the Commissioners) to produce and show to the Commissioners any such paper, book or writing, being in his possession or power, as to the Commissioners appears necessary for arriving at the truth of the matters to be enquired into by them;

or makes any statement which is false and which he either knows or believes to be false, or does not believe to be true,

the Commissioners shall have the same powers in all respects touching any such person as the principal Court of original civil jurisdiction within the limits of which he is residing may by law exercise against any person for making default of appearance, or for refusing to be sworn or to give evidence or for giving false evidence in any suit depending in such Court.

Examination of witnesses beyond the Presidency of Bombay.

7. If the Commissioners require the evidence of any person residing or being in British India beyond the limits of the Presidency of Bombay, and do not think fit to require his attendance by summons under section four, they may, by a letter to be signed by them or any two of them, request any Judge, Magistrate or other officer having by law power to examine witnesses upon oath, to examine such witness upon interrogatories to be sent with the letter, or according to the instructions to be sent therewith, as to the points upon which the evidence of the witness is required; and the Judge, Magistrate or other officer to whom such letter is directed, shall examine the witness upon oath accordingly.

Power to compel attendance of such witnesses.

8. Every Judge, Magistrate or other officer to whom such letter of request is sent, shall have the same powers for compelling the attendance of the witness, for examining or causing him to be examined upon oath, and for punishing him for refusing to attend or give evidence, or for making any statement which is false and which he either knows or believes to be false or does not believe to be true, as if the evidence of such witness were required in any matter within the ordinary jurisdiction of such Judge, Magistrate or other officer.

Commission to examine witnesses beyond the limits of British India.

9. The Commissioners may, whenever they think fit, issue a commission for the examination of witnesses resident beyond the limits of British India, and shall, for the purpose of issuing such commissions, be deemed to be a court authorized to issue commissions by sections 177, 178 and 179 of the Code of Civil Procedure.

Miscellaneous.

Miscellaneous.

Expenses of witnesses.

10. Every witness required to attend or give evidence under the provisions of this Act shall be entitled to a reasonable sum (to be allowed by the Commissioners) for his expenses for travelling to and from and remaining at the place at which he is required to attend.

Punishment for false evidence and contempts.

11. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act, and in the latter section the words "public servant" shall be taken to include a Commissioner under this Act.

Witness not to be excused from answering.

12. No person shall be excused from answering any question put to him by the said Commissioners or any of them, or by any such Judge, Magistrate or other officer as aforesaid, upon the ground of any privilege, nor on the ground that the answer to such question will tend to criminate such person.

But no statement made by any person in answer to any such question shall, except for the purpose of punishing him for wilfully giving false evidence upon such examination, be admissible in evidence in any criminal proceeding.

And every person who, upon such examination, is compelled to give evidence which may tend to expose him to penal consequences, shall be freed from all criminal prosecutions to which he may have been or may become liable or subject within any part of British India, and for anything done by him in respect of any acts relating to which he is examined, unless the Commissioners who have, or the Judge, Magistrate or other officer who has, examined such witness, certify in writing under their or his hands or hand that the witness is not entitled to the protection lastly hereinbefore given, on the ground that he has not made a full and true disclosure touching all matters as to which he is so examined.

Nothing in this Act shall exempt any such witness from any civil suit to which he may be liable.

Bar of suits.

13. No suit shall lie against the Commissioners or any of them or any other person for anything done in the execution of this Act.

Office Supdt. Govt. Printing.—No. 4212 I. C.—27-5-68.—3,200.

ACT No. XVIII of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th July 1868).

An Act for investing the Commissioner and Assistant Commissioner of the Neilgherry Hills with the powers of a Court of Small Causes.

Preamble

WHEREAS it is expedient that the Commissioner and the Assistant Commissioner of the Neilgherry Hills appointed under the provisions of Madras Act No. I of 1868 (*for the appointment of a Commissioner for the administration of Civil and Criminal justice and for the superintendence and collection of the revenues on the Neilgherry Hills*) should be invested with the powers of a Court of Small Causes constituted under the provisions of Act No. XI of 1865 *(to consolidate and amend the law relating to Courts of Small Causes beyond the limits of the ordinary original Civil jurisdiction of the High Courts of Judicature)*; It is hereby enacted as follows:—

Power to invest Commissioner and Assistant Commissioner of Neilgherry Hills with Small Cause jurisdiction

1. The Governor of Fort St. George in Council may, by notification in the local official Gazette, authorize the said Commissioner and Assistant Commissioner to exercise jointly or separately within the territorial limits of the jurisdiction of the said Commissioner the powers of a Judge of a Court of Small Causes constituted under the provisions of the said Act No. XI of 1865, but subject to the rules hereinafter referred to.

Power to make rules

2. The said Governor in Council may frame rules providing for the distribution of business between the said Commissioner and Assistant Commissioner in their capacity of Judges of a Court of Small Causes, and generally for defining their duties and relative positions when

PRICE TWO ANNAS.

when acting in such capacity, and may also from time to time alter and add to the rules so made: Provided that such rules, alterations and additions are consistent with the provisions of this Act.

Opinion of Commissioner to prevail in case of difference.

3. Whenever there is a difference of opinion between the said Commissioner and Assistant Commissioner sitting together as aforesaid upon any question of fact, law or practice, or upon any usage having the force of law, the opinion of the Commissioner shall prevail.

Pending suits.

4. Suits and proceedings pending before the Civil Judge at Ootacamund in his capacity of a Judge of a Court of Small Causes, when this Act comes into operation, shall be heard and determined by the said Commissioner or Assistant Commissioner in accordance with the rules to be made under Section 2.

Commencement of Act.

5. This Act shall come into operation on such day as the said Governor in Council shall notify in the said Gazette.

Office Supdt. of Govt. Printing No. 5139 L. C.—22-7-68—2,900.

THE OUDH RENT ACT.

CONTENTS.

Preamble.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title and extent of Act.
2. Repeal of laws, &c.
3. Interpretation-clause.
4. Saving of written agreements.
   Index not to have force of law.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS, AND TENANTS.

Right of Occupancy.

5. Tenants having a right of occupancy.
6. Loss of right of occupancy.

Tenants' Right to Leases.

7. Tenant's right to a lease.
8. Lease to which tenant having right of occupancy is entitled.
9. Lease to which tenant not having right of occupancy is entitled.

Landlords' Right to Counterparts.

10. Landlord entitled to counterpart.

Cancelment of Leases.

11. Cancelment of lease.

Arrears of Revenue or Rent.

12. What to be deemed an arrear of revenue or rent.

Receipts.

13. Receipts for rent.

PRICE TEN ANNAS.

SECTION.

Deposit of Revenue or Rent in Court without Suit.

14. Power to pay into Court, without suit brought, amount of revenue or rent due.
15. Procedure on making and withdrawing such payment.
Service of notice.
16. Limitation of suits for balance of revenue or rent.
17. Compensation for non-acceptance of revenue or rent.

Illegal Enforcement of Payment of Rent.

18. Compensation to under-proprietor or tenant for illegal enforcement of payment.

Abatement of Rent.

19. Suits for abatement of rent by under-proprietor or tenant.

Remission of Rent.

20. When Court may allow remission from rent.

Relinquishment of Land.

21. Relinquishment of land by tenant.

Compensation for Tenants' Improvements.

22. Tenants' right to compensation for improvements.
23. "Improvements" defined.
24. Compensation how made.
25. Provision for difference as to amount or value of compensation.
26. Tender of lease for twenty years to bar right to compensation for improvements.

Survey and Measurement.

27. Landlord's right to enter and measure lands.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

28. Commutation of rents in kind.
29. Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.
30. Division or appraisement of produce taken for rent.
31. Procedure in case of dispute.

SECTION.

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

32. Enhancement of rent of tenant with right of occupancy.
33. Term for re-enhancement, after decision fixing rent under section 32.
34. Enhancement on re-assessment of revenue.

B.—Tenants not having Right of Occupancy.

35. Court not to enquire into propriety of rate of rent payable by tenant not having right of occupancy.
36. Suits in which there is evidence in writing of agreement to alter rent.

CHAPTER V.

EJECTMENT.

General Provisions.

37. Grounds on which tenant may contest liability to ejectment.
38. Time of ejectment of tenant.
39. Time of ejectment of sub-lessor.
40. Ejectment for arrears of rent.

Tenant with Right of Occupancy.

41. Ejectment of tenant having a right of occupancy.

Tenant without Right of Occupancy.

42. Ejectment of tenant not having a right of occupancy.

Notice.

Service of Notice.

43. Notice of ejectment of tenant not having right of occupancy

Cessation of Tenancy.

44. If notice is not contested, tenancy to be held to cease.

Assistance to eject.

45. When assistance to eject may be given by Court.

Growing Crops.

46. Compensation to ejected tenant for growing crops.

SECTION.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

47. Recovery of arrears of rent by distress.
Proviso as to tenants who have given security for payment of rent.
48. No distress in certain cases.
49. Power of distress by whom exerciseable.
Liability of principal of agent.
50. Distress by servants.
51. Crops liable to distress.
52. Demand of arrear before or at time of distress.
53. Value of distress.
Service of list of property to be distrained.
54. Reaping and storing standing crops when distrained.
55. Application by distrainer in case of resistance.
56. Withdrawal of distress on tender of arrear and costs.
57. Application for sale.
58. Form of application.
59. Procedure on receipt of application.
60. Suspension of sale on institution of suit.
61. Suit to contest distrainer's demand.
62. Withdrawal of distress on execution of bond.
63. Proceeding with sale, if, on expiration of time fixed, no suit is instituted.
64. Place and manner of sale.
65. Postponement of sale where fair price is not offered.
66. Payment of purchase-money.
67. Proceeds of sale.
68. Officers holding sales not to purchase.
69. Illegal acts of distrainer to be reported.
70. Recovery of expenses if no sale takes place.
[illegible]. Second proclamation of sale when arrears are adjudged to be due.
72. Distrainer to prove the arrear in suits to contest his demand.
73. Compensation for vexatious distress.
74. Suit by third party claiming property distrained.
75. Release on giving security.
Order if claim dismissed.
Compensation for distress of stranger's property.
76. Landlord's prior claim to distrainable produce in possession of defaulting tenant.
77. Stranger claiming to be landlord and to have right of distress to be made a party.
78. Suit for illegal distress.

SECTION.

79. Suit for illegal act of distrainer.
80. Suit for distress or sale falsely purporting to be under this Act.
81. Procedure in case of resistance to distress.
82. Punishment of offender.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

83. Suits cognizable under this Act.

Grades of Courts.

84. Grades of Courts for the purposes of this Act.
85. Chief Commissioner may declare grade of Tahsíldár or Assistant Commissioner.
86. Deputy Commissioner to have Collector's powers.
87. Settlement officers may be invested with powers of Collector, &c., under this Act.
88. Jurisdiction of Assistant Collector of the second class.
89. Jurisdiction of Assistant Collector of the first class.
90. Jurisdiction of Deputy Collector.
91. Jurisdiction of Collector.
92. Jurisdiction of Commissioner.
93. Jurisdiction of Financial Commissioner.

Appeals.

94. Time for presenting appeals.
95. No appeal, except in certain cases, from Collector's decree for money below one hundred rupees.

Distribution of Business.

96. Deputy Commissioner may distribute business in subordinate Courts.

Transfer of Suits and Appeals.

97. Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.
Withdrawal or reference of appeals.
98. Financial Commissioner may transfer suits and appeals from one subordinate Court to another.

Miscellaneous.

99. General subordination of Courts.
Proviso.
100. Suits by or against managing agents or tahsíldárs of khám estates.

SECTION.

101. Sharer to exercise certain powers only through manager or lumberdár
102. Recovery of land of which applicant has been illegally dispossessed.
103. Courts may sit anywhere within limits of their jurisdiction.

CHAPTER VIII.

LIMITATION OF SUITS.

104. General limitation.
105. Suits for delivery of leases or counterparts.
106. Suits for arrears of rent or revenue, or share of profits.
107. Suits against agents for money, or delivery of accounts or papers.
108. Suits regarding distress, division of produce, &c.

CHAPTER IX.

PROCEDURE.

109. Civil Procedure Code to be the procedure under this Act.
110. Particulars to be added to plaint.
111. Third person claiming rent to be made a party.
112. Summons to defendant to be for final disposal.
113. Set-off in suits for arrears of rent.
114. Defendant may pay money into Court.
115. Procedure for balance where defendant pays less than amount claimed.
116. Dismissal of suit for lease or counterpart, in absence of written evidence of agreement.
117. Collector may make local enquiry.

As to Decrees.

118. Time within which execution may be had.
119. Immediate execution of decree.
120. Decree for enhancement to state date from which it is to take effect.
121. Enforcement of decree for delivery of papers or accounts.
122. Decrees for lease or counterpart to specify particulars.
[illegible] Court after decree may grant lease or counterpart in case of defendant's refusal.
124. Execution to be first made against moveable property.
125. Sale of under-proprietary right in execution of decree for arrears of rent.
Appointment of Deputy Commissioner as manager.
126. Registration of incumbrance created by under-proprietor.
127. Proprietor's lien for rent payable by under-proprietor.
128. Right of pre-emption at execution-sales.
Schedules.

BENGAL SECRETARIAT LIBRARY

ACT No. XIX OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 22nd July* 1868).

An Act to consolidate and amend the Law relating to Rent in Oudh.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to rent in Oudh and to other matters connected therewith; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title and extent of Act.

1. This Act may be cited as "The Oudh Rent Act," and shall extend only to Oudh.

Repeal of laws, &c.

2. All laws, orders having the force of law and rules in force in Oudh, inconsistent with any of the provisions of this Act, are repealed.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Oudh."

"Oudh" means the territories under the administration of the Chief Commissioner of Oudh at the time of the passing of this Act :

"Court."

"Court" means any judicial officer presiding in a Court of Revenue for the disposal of matters under this Act:

"Suit."

"Suit" means a suit under this Act :

"Assistant Commissioner."

"Assistant Commissioner" includes an Extra Assistant Commissioner :

"Land",

"Land." "Land" applies only to land assessed to the land-revenue, and includes land whereof the revenue has been assigned by Government: it also includes the ungathered produce of land, whether spontaneous or otherwise, and whether growing in earth or water:

"Revenue." "Revenue" means the money payable to the Government on account of land:

"Rent." "Rent" means the money or the portion of the produce of land, payable on account of the use or occupation of land, or on account of the use of water for irrigation:

"Proprietor." "Proprietor" does not include an under-proprietor. Where there are two private rights of property, one superior and the other subordinate, in the same land, "proprietor" means the holder of the superior right only:

"Proprietary right." "Proprietary right" means a proprietor's right in land:

"Under-proprietor." "Under-proprietor" means any person possessing a heritable and transferable right of property in land for which he is liable to pay rent:

"Under-proprietary right." "Under-proprietary right" means an under-proprietor's right in land:

"Tenant." "Tenant" means any person, not being an under-proprietor, who is liable to pay rent:

"Landlord." "Landlord" means any person to whom an under-proprietor or tenant is liable to pay rent:

"Representative." "Representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person. It includes the guardian of a minor and the legal curator of a lunatic or idiot: and

"Lumberdár." "Lumberdár" means any person who has executed an engagement for the payment of the revenue to Government, or for the payment to a landlord of the rent due from under-proprietors holding a sub-settlement.

4. Nothing

4. Nothing in sections 19, 20, 21, 22, 23, 24, 25 and 28 shall affect the terms of any agreement in writing heretofore or hereafter entered into respecting the subject-matter of the said sections respectively.

Saving of written agreements.

Index not to have force of law.

Nothing in the index to this Act shall be deemed to have the force of law.

CHAPTER II.

OF CERTAIN RIGHTS AND LIABILITIES OF LANDLORDS, UNDER-PROPRIETORS AND TENANTS.

Right of Occupancy.

5. Tenants who have lost all proprietary right, whether superior or subordinate, in the lands which they hold or cultivate, shall, so long as they pay the rent payable for the same according to the provisions of this Act, have a right of occupancy under the following rule :—

Tenants having a right of occupancy.

Rule.

Every such tenant, who, within thirty years next before the thirteenth day of February 1856, has been, either by himself, or by himself and some other person from whom he has inherited, in possession as proprietor in a village or estate, shall be deemed to possess a heritable but not a transferable right of occupancy in the land which he cultivated or held in such village or estate on the twenty-fourth day of August 1866: Provided that such land has not come into his occupation, or the occupation of the person from whom he has inherited, for the first time since the said thirteenth day of February 1856: Provided also, that no such tenant shall have a right of occupancy in any village or estate in which he or any co-sharer with him possesses any under-proprietary right.

Nothing contained in the former part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

6. If a tenant having a right of occupancy be ejected, in accordance with the provisions of section 41, from the land in which he possesses such right, he shall thereupon lose his right of occupancy in such land.

Loss of right of occupancy.

Tenants'

Tenants' Right to Leases.

Tenant's right to a lease.

7. Every tenant is entitled to receive from his landlord a lease executed by him and containing the following particulars:—

The quantity of land; and, where the fields comprised in the lease have been numbered in a Government survey, the number of each field:

The term for which the lease is granted:

The amount of rent payable:

The instalments in which and the times at which the same is to be pai

Any special conditions of the lease:

And, if the rent is payable in kind, the proportion of produce to be delivered, and the time, manner and place of delivery.

Lease to which tenant having right of occupancy is entitled.

8. Tenants having a right of occupancy are entitled to receive leases at rates of rent determined in accordance with the provisions contained in sections 32, 33 and 34.

Lease to which tenant not having right of occupancy is entitled.

9. Tenants not having a right of occupancy are entitled to leases only on such terms as may be agreed on between them and the landlord.

Landlords' Right to Counterparts.

Landlord entitled to counterpart.

10. Every landlord who grants a lease is entitled to receive from the tenant a counterpart executed by him.

Cancelment of Leases.

Cancelment of lease.

11. When any landlord or any tenant not having a right of occupancy fails to perform or observe any of the stipulations contained in the lease, such lease shall be liable to be cancelled by a decree.

If after such decree, the ejectment of the tenant is postponed in accordance with the provisions of section 38, he shall be liable, so long as he remains in occupation of the land comprised in the lease, to pay the rent reserved thereby.

Arrears

Arrears of Revenue or Rent.

12. Any instalment of revenue or rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of revenue or rent, as the case may be.

What to be deemed an arrear of revenue or rent.

Provided that, unless the proprietor and under-proprietor shall have otherwise agreed in writing, the rent payable to the former by the latter shall be held to become due one month before the date fixed for the payment of the revenue on account of the village in which the land in respect of which such rent is payable is situate, and to be payable in the same number of instalments as the said revenue; and the amount of each instalment of such rent shall bear the same proportion to the whole of such rent payable for the year, as the amount of each instalment of such revenue bears to the whole of such revenue payable for the year.

Receipts.

13. Receipts for rent and acknowledgments of the tender of rent shall specify the year or years on account of which it has been paid or tendered; and any refusal to make such specification shall be held to be a withholding of a receipt or acknowledgment.

Receipts for rent.

If such receipt or acknowledgment is withheld from any under-proprietor tenant without sufficient cause, he may recover compensation from the landlord, not exceeding the amount so paid or tendered.

Deposit of Revenue or Rent in Court without Suit.

14. If any co-sharer, under-proprietor or tenant having a right of occupancy, or holding under an unexpired lease or under an agreement or decree shall, at the place where the revenue or rent of the land held or cultivated by him is usually payable, tender to the person authorized to receive the same, payment of the full amount of such revenue or rent due in respect of such land, and if such amount is not accepted and a receipt in full forthwith granted, it shall be lawful for the co-sharer, under-proprietor or tenant, without any suit having been instituted against him, to deposit such amount in Court to the credit of the person authorized to receive it.

Power to pay into Court, without suit brought, amount of revenue or rent due.

Such

Such deposit shall, so far as regards the co-sharer, under-proprietor or tenant, and all persons claiming through or under him, operate as a payment then made to the lumberdár or landlord of the amount so deposited.

Procedure on making and withdrawing such payment.

15. The Court shall receive such deposit on the written application of the co-sharer, under-proprietor or tenant or his recognized agent: the application shall bear a stamp of eight annas; and on such co-sharer, under-proprietor, tenant or agent, making a declaration in the form set forth in schedule A hereto annexed, or as near thereto as circumstances will admit, the Court shall give him a receipt for the deposit.

Such declaration shall be verified in the manner prescribed for the verification of plaints in the Code of Civil Procedure, and the provisions of section 24 of the said Code shall apply to the person making the verification.

Upon receiving the money so deposited, the Court shall issue to the person to whose credit it has been deposited a notice in the form set forth in schedule B hereto annexed.

Service of notice.

Such notice shall be served by the proper officer, without the payment of any fee, upon the person to whom it is addressed or upon his recognized agent.

In the absence of any such agent, it may be served by putting up a copy of the same at the Court-house, and another copy at the ordinary place of residence, within the jurisdiction of the Court, of such person, or if there be no such place, at the place where the revenue or rent is usually paid to the lumberdár or landlord, as the case may be, for the land in respect of which the money has been deposited.

If the person on whom such notice is served or his recognized agent appears and applies that the money in deposit be paid to him, it shall immediately be paid accordingly.

Limitation of suits for balance of revenue or rent.

16. Whenever a deposit has been made under the provisions of this Act, no suit shall be brought against the depositor or his representative on account of any revenue or rent which accrued due in respect of the land last hereinbefore mentioned prior

to

to the date of the deposit, unless such suit is instituted within six months from the date of the service of the notice mentioned in section 15.

Compensation for non-acceptance of revenue or rent.

17. If, at the time of passing the decision in any such suit, the Court is satisfied that the full amount of revenue or rent due at the time of the deposit was tendered to, and was not accepted by, the lumberdár or landlord or his recognized agent, as the case may be, or that a receipt or acknowledgment was withheld for such amount without sufficient cause, the Court may award to such depositor compensation from the lumberdár or landlord, not exceeding the amount so paid or tendered.

If the Court be satisfied that the amount of the deposit was less than the amount of revenue or rent due, the Court shall pay the amount of the deposit to the lumberdár or landlord, and shall make a decree for the balance due by the depositor.

Illegal Enforcement of Payment of Rent.

Compensation to under-proprietor or tenant for illegal enforcement of payment.

18. If payment of rent or of any sum in excess of the rent legally claimable is illegally enforced, and any under-proprietor or tenant institutes a suit to recover compensation for such enforcement, the Court may award to him compensation, not exceeding the sum of rupees two hundred, in addition to any amount for which it makes a decree in respect of such payment.

An award of compensation under the former part of this section shall not bar any prosecution to which the person enforcing such payment may be liable under any law for the time being in force.

Abatement of Rent.

Suits for abatement of rent by under-proprietor or tenant.

19. No suit for an abatement of rent shall be brought by any under-proprietor or tenant, except on the ground that the area of the land has been diminished by diluvion, or on some ground specified in any lease, agreement or decree under which he holds:

Provided that, if the under-proprietor hold a sub-settlement in a revenue-paying estate, no such abatement shall be allowed to the under-proprietor unless a remission of revenue has been allowed on the same ground and by competent authority in the same estate.

Remission

Remission of Rent.

When Court may allow remission from rent.

20. Notwithstanding anything contained in sections 19, 35 and 36, the Court, in making a decree for an arrear of rent, may allow such remission from the rent payable by any under-proprietor or tenant as appears equitable, if the area of the land in his occupation has been diminished by diluvion or otherwise, or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed:

Provided that, if the under-proprietor hold a sub-settlement, or if the tenant hold a lease for a term of not less than five years or have a right of occupancy in a revenue-paying estate, no such remission shall be allowed to him unless a remission of revenue shall have been allowed on the same ground and by competent authority in the same estate.

Relinquishment of Land.

Relinquishment of land by tenant.

21. Every tenant shall continue liable for the rent of the land in his holding, unless on or before the fifteenth day of May in any year he gives notice to the landlord or his recognized agent of his desire to relinquish such land, and relinquishes it accordingly, or unless it has been let to any other person by such landlord or agent.

If the landlord or his recognized agent refuse to receive such notice, the tenant may apply to the tahsíldár or proper officer, and written notice of such desire shall thereupon be served on such landlord or agent, and the tenant shall pay the costs of service.

The notice shall, if practicable, be served personally on the landlord or agent. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the *chaupál* or other conspicuous place in the village wherein the land is situate.

Compensation for Tenants' Improvements.

Tenants' right to compensation for improvements.

22. If any tenant, or the person from whom he has inherited, make any such improvements on the land in his occupation as are hereinafter mentioned, the rent payable by him or his representative shall not be enhanced, nor shall he or his representative

sentative be ejected from the same land unless and until he or his representative, as the case may be, has received compensation for the outlay, in money or labour, or both, expended in making such improvements by him, or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejectment.

"Improvements" defined.

23. The word "improvements," as used in section 22, means works by which the annual letting value of the land has been, and, at the time of demanding compensation, continues to be, increased, and comprises—

1*st*.—The construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the construction of wells; the reclaiming and clearing of waste lands and jungles; and other works of a like nature;

2*nd*.—The renewal or reconstruction of any of the foregoing works, or such alterations therein or additions thereto as are not required for maintaining the same, and which increase durably their value.

Compensation how made.

24. Such compensation may, at the option of the landlord or his representative, be made—

(1).—By payment in money;

(2).—By the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative; or

(3).—Partly by payment in money and partly by the grant of such lease as aforesaid.

Provision for difference as to amount or value of compensation

25. In case of difference as to the amount or value of the compensation tendered, either party may present an application to the Court, on a paper bearing a stamp of eight annas, stating the matter in dispute and requesting a determination thereof.

On receiving such application the Court shall cause notice thereof to be served on the other party, and, after taking such evidence as the parties or either of them may adduce, and after such further enquiry (if any) as it may

may deem necessary, determine (as the case may be) the amount of the payment, or the terms of the lease, or both.

In determining such amount, the Court shall take into account any assistance given by the landlord, either directly in money, material or labour at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favourable than the rate at which he otherwise would have held.

The proceedings on any such application shall be deemed to be a suit for the purposes of chapter six (as to reference to arbitration) of the Code of Civil Procedure, and of section nine of Act No. XXIII of 1861 *(to amend Act VIII of* 1859).

Tender of lease for twenty years to bar right to compensation for improvements.

26. If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

Survey and Measurement.

Landlord's right to enter and measure lands.

27. Every landlord, his agents and surveyors, may at all reasonable times enter upon any land comprised in his estate for the purpose of surveying and measuring the same.

CHAPTER III.

COMMUTATION AND PAYMENT OF RENT IN KIND.

Commutation of rents in kind.

28. In any district in which a settlement of revenue is in progress, it shall be in the discretion of any officer employed in making or revising such settlement, in any case in which the rent of a tenant having a right of occupancy is paid in kind, or by the estimated value of a portion of the crop, to commute, on the application either of the landlord or the tenant, such rent into a rent in money.

The amount of rent thus fixed shall be binding upon the parties concerned.

All

All decisions already passed by any such officer, commuting rents in kind or by valuation to rents in money, shall, subject to the same appeal as is given by this Act in respect of decisions passed in suits, be binding on the parties concerned.

Chief Commissioner may extend section 28, and declare officers to hear and decide cases thereunder.

29. The Chief Commissioner of Oudh may extend the provisions of section 28 to any district or portion of a district in which a settlement of revenue is not in progress;

and may declare what officers are empowered to hear and decide cases under this section;

and may, with the previous sanction of the Governor General of India in Council, make rules for the guidance of officers acting under this section and section 28, and from time to time, with the like sanction, alter and add to the rules so made:

Provided that such rules, alterations and additions are consistent with this Act.

Division or appraisement of produce taken for rent.

30. Wherever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence both of the tenant and landlord either personally or by a recognized agent, if either party neglect to be present at the proper period, or if a dispute arise between the parties regarding such division, estimate or appraisement, either party may present an application to the Court on a paper bearing a stamp of eight annas, requesting that a proper officer be deputed to make the division, estimate or appraisement.

Procedure in case of dispute.

31. On receiving such application, the Court shall issue a written notice to the other party to attend on the date and at the place specified in the notice, and shall depute an officer before whom the division, estimate or appraisement shall be made.

The award of such officer in respect of such division, estimate or appraisement shall be final, unless within one month from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

CHAPTER IV.

ENHANCEMENT AND FIXING RATES OF RENT.

A.—Tenants with Right of Occupancy.

Enhancement of rent of tenant with right of occupancy.

32. No tenant having a right of occupancy in any land shall, in case o dispute as to the rent to be paid in respect of such land, be liable to an enhancement of the rent except in pursuance of a decree made under this Act on some one of the following grounds (that is to say) :—

1st Ground.—That the rate of rent paid by him is below the rate of rent usually paid by the same class of tenants having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate.

2nd Ground.—That the rate of rent paid by him is more than 12½ per cent. below the rate of rent usually paid by tenants of the same class not having a right of occupancy, for land of a similar description and with similar advantages, situate in the same village.

Rule.—In this case the Court shall enhance his rent to such amount as the plaintiff demands, not exceeding such rate less 12½ per cent.

3rd Ground.—That the quantity of land held by him exceeds the quantity for which he has previously paid rent.

Rule.—In this case the Court shall decree rent for the land in excess, at rates to be fixed by the first or the second of the Rules contained in this section, as the case may be.

Nothing contained in the previous part of this section shall affect the terms of any agreement in writing hereafter entered into between a landlord and tenant.

Term for re-enhancement, after decision fixing rent under section 32.

33. After a decision has been passed in accordance with section 32, no suit shall lie for re-enhancement of such rent until the expiration of five years from the date of such decision, except on the said third ground, or, in the case referred to in section

tion 34, until, by re-assessment within the said term of five years, the revenue of such land has been increased.

Enhancement on re-assessment of revenue.

34. On such re-assessment, if the rent of such tenant cannot be enhanced under section 32 by reason of the absence of the grounds therein mentioned, the landlord may institute a suit to enhance the rent to a sum not exceeding double the average amount of the revenue imposed at such re-assessment upon land of a similar description and with similar advantages, held by tenants of the same class in the same village.

B.—Tenants not having Right of Occupancy.

Court not to enquire into propriety of rate of rent payable by tenant not having right of occupancy.

35. The Court shall in no case enquire into the propriety of the rate of rent payable by a tenant not having a right of occupancy.

The rent payable by such tenant for any land in his occupation shall be such amount as may be agreed upon between him and the landlord; or, if no such agreement has been made, such amount as was payable for the land in the last preceding year.

Suits in which there is evidence in writing of agreement to alter rent.

36. If in any suit between a landlord and a tenant not having a right of occupancy, the amount of rent payable by such tenant shall be disputed, he shall not be held liable to pay rent other than that payable by him for the last preceding year, unless the Court is satisfied by evidence in writing that the parties have agreed that the rent so payable shall be altered.

CHAPTER V.

EJECTMENT.

General Provisions.

Grounds on which tenant may contest liability to ejectment.

37. A tenant may contest his liability to be ejected from the land which he holds on any of the following grounds:—

First.—That he holds a lease or an agreement, or a decree of Court, under the terms of which he is not liable to such ejectment:

Second.—That he has a right of occupancy in the land:

Third.

Third.—And if he be a tenant not having a right of occupancy, that notice of ejectment has not been served upon him in manner provided by section 43.

Time of ejectment of tenant.

38. No tenant, except a sub-lessor, shall in any case, whether in execution of a decree or otherwise, be ejected from the land in his occupancy, except between the first day of April and the fifteenth day of June in any year after the passing of this Act; unless, while his rent is in arrear, he has failed to cultivate the land in his possession in accordance with the terms on which he holds it.

Time of ejectment of sub-lessor.

39. A sub-lessor liable to be ejected under the provisions of this Act may be ejected at any time during his tenancy.

Ejectment for arrears of rent.

40. Any tenant, other than a sub-lessor, from whom an arrear of rent remains due on the fifteenth day of May in any year after the passing of this Act, and any sub-lessor from whom an arrear of rent remains due at any time during his tenancy may, subject to the provisions of sections 38, 39 and 41, be ejected from the land in respect of which the arrear is due.

Tenant with Right of Occupancy.

Ejectment of tenant having a right of occupancy.

41. No tenant having a right of occupancy, or holding under an unexpired lease, or special agreement, or decree of Court, shall be ejected otherwise than in execution of a decree for ejectment.

Provided that, if the tenant have a right of occupancy in the land from which the landlord desires to eject him, the decree shall not be made unless, at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards.

Tenant without Right of Occupancy.

Ejectment of tenant not having a right of occupancy.

42. A tenant not having a right of occupancy and not holding under an unexpired lease or an agreement, or a decree of Court, may be ejected in accordance with the provisions of this Act; *first,* in execution of a decree for arrears of rent or for ejectment; or *second,* by notice given by his landlord in the manner described in section 43.

Notice.

Notice.

Notice of ejectment of tenant not having right of occupancy.

43. The notice mentioned in section 42 shall be written in Hindí and in Urdu: it shall specify the land from which the tenant is to be ejected; and it shall inform him that, if he means to dispute the ejectment, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or vacate the land on or before that date.

Service of Notice.

On the application of the landlord to the tahsíldár, or officer authorized to serve such notices, the notice shall be served by such officer on or before the fifteenth day of April in each year, and the landlord shall pay the costs of service.

The notice shall, if practicable, be served personally on the tenant. But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at the village *chaupál* or other conspicuous place in the village wherein the land is situate.

Cessation of Tenancy.

If notice is not contested, tenancy to be held to cease.

44. If the tenant on whom such notice of ejectment has been served fails to institute a suit to contest his liability to be ejected, on or before the fifteenth day of May next after the service, his tenancy of the land in respect of which the notice has been served shall be held to cease on that date, unless, after the service, the landlord has expressly authorized him to continue to occupy the land.

Assistance to eject.

When assistance to eject may be given by Court.

45. If no such suit be brought, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased under the provisions of section 44, he may apply for such assistance, and, if the Court is satisfied that notice of ejectment was duly served on such person, it shall give such assistance accordingly:

Provided that nothing done by the Court under the previous part of this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment and to recover compensation for the same.

Growing

Growing Crops.

46. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant, and being on the land at the time of his ejectment:

Compensation to ejected tenant for growing crops.

Provided that, if the land shall have been sown or planted by the tenant after the service on him of the notice mentioned in section 42, he shall not be so entitled unless, after such service, the landlord has expressly authorized him to continue to occupy the land.

CHAPTER VI.

DISTRESS FOR ARREARS OF RENT.

47. When an arrear of rent is due from any tenant, the landlord may distrain the produce of the land in respect of which the arrear is due, subject to the rules contained in the following sections:

Recovery of arrears of rent by distress.

Provided that, when a tenant has given security for the payment of his rent, the produce of the land in respect of which such rent is payable, shall not be liable to distress so long as the security is in force.

Proviso as to tenants who have given security for payment of rent.

48. Distress shall not be made for any arrear which has been due for a longer period than one year; nor for the recovery of any sum in excess of the rent payable in the last preceding year for the land in respect of which the arrear is due, unless the tenant has agreed in writing to pay such excess, or unless he has been declared to be liable for the same by a decree of Court.

No distress in certain cases.

49. The power of distress, vested by section 47 in landlords, may be exercised by managers under the Court of Wards, managing agents and tahsíldárs of estates held under khám management, and other persons lawfully entrusted with the charge of land, and also by the agents employed by landlords or any such persons as aforesaid in the collection of rent, if expressly authorized by power-of-attorney to distrain:

Power of distress by whom exerciseable.

Provided

Liability of principal of agent.

Provided that, if any such agent, purporting to act in the exercise of the said power, commits an act which, under the provisions of this chapter, is illegal, the person employing such agent shall be liable, as well as the agent, to be sued for compensation for any injury caused by such act.

Distress by servants.

50. Any person empowered to distrain property under section 47 or 49, may employ a servant or other person to make the distress; but in every such case he shall give to such servant or person a written authority for the same, and the distress shall be made in the name and on the responsibility of the person giving such authority.

Crops liable to distress.

51. Standing crops and other ungathered products of the earth, and crops or other products when reaped or gathered and deposited in any threshing-floor or place for treading out grain or the like, whether in the field or within a home-stead, may be distrained by persons invested with powers of distress under this Act.

But no such crops or products, other than the produce of the land in respect of which an arrear of rent is due, or of land held under the same agreement as the land in respect of which the arrear is due, and no grain or other produce after it has been stored by the cultivator, and no other property whatsoever, shall be liable to distress under this Act.

Demand of arrear before or at time of distress.

52. Before or at the time when any distress is made under this Act, the distrainer shall cause the defaulter to be served with a written demand for the amount of the arrear, together with an account exhibiting the grounds on which the demand is made.

The demand and account shall, if practicable, be served personally on the defaulter, but if he cannot be found, they shall be affixed at his usual place of residence; and shall thereupon be deemed to be duly served upon him.

Value of distress.

Service of list of property to be distrained.

53. Unless the amount of the demand is immediately paid or tendered, the distrainer may distrain property as aforesaid of value as nearly as may be equal to the amount of the arrear with the costs of the distress; and shall prepare a list or description of the said property, and deliver a copy of the same to the owner, or if he be absent, affix it at his usual place of residence.

54. Standing

54. Standing crops and other ungathered products of the earth may, notwithstanding the distress, be reaped or gathered by the tenant, and may be stored in such granaries or other places as are commonly used by him for the purpose.

Reaping and storing standing crops when distrained.

If the tenant neglect to do so, the distrainer may cause the said crops or products to be reaped or gathered, and, in such case, shall store the same either in such granaries or other places as aforesaid, or in some other convenient place in the neighbourhood.

In either case, the distrained property shall be placed in the charge of some proper person appointed by the distrainer for the purpose.

If the crops or products do not, from their nature, admit of being stored, the distress shall be made (if at all) at least twenty days before the time when the crops or products or any part thereof would ordinarily be fit for cutting or gathering.

55. If a distrainer is opposed or apprehends resistance, and desires to obtain the assistance of a public officer, he may apply to the Court, and the Court may, if it think necessary, depute an officer to assist the distrainer in making the distress.

Application by distrainer in case of resistance.

56. If at any time after property has been distrained as aforesaid, and before the sale thereof as hereinafter provided, the owner tenders payment of the arrear demanded and of the costs of the distress, the distrainer shall receive the same and give a receipt therefor, and shall forthwith withdraw the distress.

Withdrawal of distress on tender of arrear and costs.

57. Within five days from the time of storing any distrained crops or products, or if such crops or products do not, from their nature, admit of being stored, within five days from the time of making the distress, the distrainer shall apply for sale of the same to the proper officer authorized to sell property in satisfaction of decrees of the Court within whose jurisdiction the distrained property is situate.

Application for sale.

58. The application shall be in writing: it shall contain a list or description of the property distrained, and it shall state the name of the defaulter, his place of residence, the amount due, and the place in which the distrained property is deposited.

Form of application.

Together

Together with the application, the distrainer shall deliver to the proper officer the sum payable for the service of a notice upon the defaulter as hereinafter provided.

Procedure on receipt of application.

59. Immediately on receipt of the application, the proper officer shall send a copy of it to the Court, and shall serve a notice in the form contained in schedule C hereto annexed or to the like effect on the person whose property has been distrained, requiring him either to pay the amount demanded, or within fifteen days from the receipt of the notice to institute a suit to contest the demand.

The officer shall at the same time send to the Court, for the purpose of being put up at the Court-house, a proclamation fixing a day for the sale of the distrained property, not less than twenty days from the date of the proclamation; and shall deliver a copy of the proclamation to the peon charged with the service of the notice, to be put up by him in the place where the distrained property is deposited.

The proclamation shall contain a description of the property, and shall specify the demand for which it is sold, and the place where the sale is to be held.

Suspension of sale on institution of suit.

60. If a suit is instituted in pursuance of the aforesaid notice, the Court shall send to the proper officer, or, if so requested by the owner of the distrained property, shall deliver to him, a certificate of the institution of the suit.

On such certificate being received by, or presented to, the proper officer, he shall suspend proceedings in regard to the sale:

Provided that, if in his opinion the property distrained is such that delay will cause damage thereto, he may direct its immediate sale.

Suit to contest distrainer's demand.

61. Any person whose property has been distrained as aforesaid, may institute a suit to contest the distrainer's demand at any time before the expiration of the fifteen days mentioned in section 59.

When such suit is instituted, the Court shall proceed in the manner prescribed in section 60.

If

If application for the sale of the property is afterwards made to the proper officer, he shall send a copy of the application to the Court, and suspend further proceedings pending the decision of the case.

Withdrawal of distress on execution of bond.

62. The person whose property has been distrained may, at the time of instituting any such suit as aforesaid, or at any subsequent period, execute a bond with one or more surety or sureties, for an amount not less than double the value of the property so distrained, binding himself to pay whatever sum may be adjudged to be due from him with costs of suit.

When such bond is executed, the Court shall give to the owner of the property a certificate to that effect, or, if he so requests, shall serve the distrainer with notice of the same.

Upon such certificate being presented to the distrainer by the owner of the property, or served on him by order of the Court, the property shall be released from distress.

Proceeding with sale, if, on expiration of time fixed, no suit is instituted.

63. On the expiration of the period fixed in the proclamation of sale, if the institution of a suit to contest the demand of the distrainer has not been certified to the proper officer in the manner hereinbefore provided, he shall, unless the said demand, with such costs of the distress as are allowed by him, be discharged in full, proceed, with the sanction of the Court, to sell the property, or such part thereof as may be necessary.

Place and manner of sale.

64. The sale shall be held at the place where the distrained property is deposited, or at the nearest ganj, bázár or other place of public resort, if the proper officer thinks that it is likely to sell there to better advantage.

The property shall be sold by public auction in one or more lots as the officer holding the sale thinks advisable; and if the demand, with the costs of distress and sale, be satisfied by the sale of a portion of the property, the distress shall be immediately withdrawn with respect to the remainder.

Postponement of sale where fair price is not offered.

65. If on the property being put up for sale, a price which the officer holding the sale shall think fair be not offered, and if the owner of the property or his recognized agent apply to have the sale postponed until the next day, or (if a market be held at

at the place of sale) until the next market-day, the sale shall be postponed until such day, and shall be then completed at whatever price may be offered.

Payment of purchase-money.

66. The price of every lot shall be paid in ready money at the time of sale, or as soon thereafter as the officer holding the sale thinks fit; and in default of such payment, the property shall be put up again and resold.

When the purchase-money has been paid in full, the officer holding the sale shall give the purchaser a certificate stating the property purchased by him and the price paid therefor.

Proceeds of sale.

67. The officer holding the sale shall deduct from the proceeds one anna for every rupee and fraction of a rupee, on account of the expenses attending the sale.

He shall then pay to the distrainer the expenses incurred by him on account of the distress and of the issue of the notice and proclamation of sale prescribed in section 59, to such amount as, after examination of the statement of expenses furnished by the distrainer, the officer thinks proper to allow.

The remainder shall be applied to the discharge of the arrear for which the distress was made, and the surplus (if any) shall be delivered to the person whose property has been sold.

Officers holding sales not to purchase.

68. Officers holding sales of property under this Act, and all persons employed by, or subordinate to, such officers, are forbidden to purchase, either directly or indirectly, property sold by such officers.

Illegal acts of distrainer to be reported.

69. The officer mentioned in section 57 shall bring to the notice of the Court any illegal act which shall come to his knowledge as having been committed by any person in making a distress under this Act.

If in any case, on proceeding to hold a sale under this Act, such officer finds that the owner has not received due notice of the distress and intended sale, he shall postpone the sale and report the case to the Court, and the Court shall direct the issue of another notice and proclamation of sale under section 59, or make such other order as it thinks proper.

70. When

70. When such officer has gone to any place for the purpose of holding a sale, and no sale takes place, either for the reason stated in section 69, or because the distrainer's demand has been previously satisfied, the said charge on account of expenses attending the sale shall be leviable by the officer, and shall be calculated on the value of the distrained property, as estimated by him, unless the distrainer's demand has been satisfied before the day fixed for the sale, and notice of such satisfaction has been given by him to the officer.

Recovery of expenses if no sale takes place.

If the distrainer's demand be not satisfied until the day fixed for the sale, the charge shall be paid by the owner of the property, and may be recovered by sale of such portion thereof as may be necessary.

In every other case the charge shall be paid by the distrainer, and may be recovered under the warrant of the Court by attachment and sale of his property:

Provided that, in no case shall an amount exceeding ten rupees be recoverable under this section.

71. When a suit has been instituted to contest a distrainer's demand, and the property has not been released on security, if the demand or any portion of it shall be adjudged to be due, the Court shall issue an order to the proper officer authorizing the sale of the property.

Second proclamation of sale when arrears are adjudged to be due.

On the application of the distrainer (which shall be made within five days from the receipt of such order by such officer), such officer shall publish a second proclamation in the manner prescribed in section 59, fixing another day for the sale of the distrained property, not less than five nor more than ten days from the date of the proclamation; and, unless the amount adjudged to be due with costs of distress be paid immediately, shall proceed to sell the property in the manner hereinbefore provided.

72. In all suits instituted to contest a distrainer's demand, the defendant must prove the arrear in the same manner as if he had himself brought a suit for the amount under the foregoing provisions of this Act.

Distrainer to prove the arrear in suits to contest his demand.

If the demand or any part thereof is found to be due, the Court shall make a decree for the amount in favour of the distrainer.

Such

Such amount may be recovered by sale of the distrained property as provided in section 71, and, if the distress has not been withdrawn and if any balance remain due after such sale, by execution of the decree against the person and any other property of the defaulter, or, if the distrained property have been released on security, by execution of the decree against the person and property of the defaulter, and, if his surety has been made a party to the suit, against the person and property of such surety.

Compensation for vexatious distress.

73. If the distress is adjudged to be vexatious or groundless, the Court, besides directing the release of the distrained property, may award such compensation to the plaintiff as it thinks fit, not exceeding twice the value of the property distrained.

Suit by third party claiming property distrained.

74. If any person claims, as his own, property which has been distrained for arrears of rent alleged to be due from any other person, the claimant may institute a suit against the distrainer and such other person to try the right to the property, in the same manner, and under the same rules as to the time of instituting the suit and as to the consequent postponement of sale, as a person whose property has been distrained for an arrear of rent alleged to be due from him may institute a suit to contest the demand.

Release on giving security.

75. When any such suit is instituted, the property may be released upon security for its value being given to the satisfaction of the Court.

Order if claim dismissed.

If the claim is dismissed, the Court shall make an order in favour of the distrainer for the sale of the property or the recovery of its value, as the case may be.

Compensation for distress of stranger's property.

If the claim is upheld, the Court shall order the release of the distrained property, and may award such compensation as it thinks fit, not exceeding twice the value of the property distrained.

Landlord's prior claim to distrainable produce in possession of defaulting tenant.

76. No claim to any produce of land liable to distress under this Act, and found at the time of the distress in the possession of a defaulting tenant, whether such claim be in respect of a previous sale, mortgage, or otherwise, shall bar the landlord's prior

prior claim, nor shall any attachment in execution of a decree of any Civil Court prevail against such claim.

Stranger claiming to be landlord and to have right of distress to be made a party.

77. Whenever property has been distrained for an arrear of rent, and a suit has been instituted to contest the demand, and the right to distrain for such arrear is claimed by or on behalf of any person other than the distrainer, on the ground of such other person being actually and in good faith in the receipt and enjoyment of the rent of the land, such other person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him before and up to the commencement of the suit shall be enquired into, and the suit shall be decided according to the result of such inquiry:

Provided that the decision of the Court shall not affect the right of any person having a title to the rent of the land, to establish such title in a Court of competent jurisdiction, by suit instituted within one year from the date of the decision.

Suit for illegal distress.

78. Any person whose property has been distrained for the recovery of a demand not justly due, or of a demand due or alleged to be due from some other person, and who is prevented by any sufficient cause from bringing a suit to contest the demand or try the right to the property, as the case may be, within the period allowed by sections 59 and 74, and whose property is in consequence brought to sale, may institute a suit to recover compensation for any injury which he has sustained from the distress or sale.

Suit for illegal act of distrainer.

79. If any person empowered to distrain property, or employed for the purpose under a written authority by a person so empowered, distrains or sells any property for the recovery of an arrear of rent alleged to be due, otherwise than according to the provisions of this Act,

or if any distrained property is lost, damaged or destroyed, by reason of the distrainer not having taken proper precaution for the due keeping and preservation thereof,

or if the distress is not immediately withdrawn when any provision of this Act requires such withdrawal—

the owner of the property may institute a suit to recover compensation for any injury which he has thereby sustained.

80. If

80. If any person not empowered by this Act to distrain or sell, nor duly authorized for that purpose by a person so empowered, purports to distrain or sell any property under this Act, the owner of such property may institute a suit to recover compensation from the person so distraining or selling, for any injury which the plaintiff has sustained from the distress or sale.

Suit for distress or sale falsely purporting to be under this Act.

Such suit shall not affect the defendant's liability to be prosecuted under any law for the time being in force.

81. If any person resists a distress of property duly made under this Act, or forcibly or clandestinely removes any distrained property, the Court, upon complaint being made within ten days from the date of such resistance or removal, shall cause the person accused to be arrested and brought before the Court with all convenient speed, and the Court shall proceed forthwith to try the case.

Procedure in case of resistance to distress.

If the case cannot be at once heard and determined, the Court may, if it think fit, require the party arrested to give security for his person, whenever the same may be required, and, in default of such security, may commit him to the civil jail until the case is tried.

82. If such resistance or removal of property be proved, the Court may order the offender to pay a fine not exceeding one hundred rupees, together with all costs and expenses incurred in the case or in making the distress, and, in default of payment, may order him to be imprisoned in the civil jail until payment is made: Provided that no such imprisonment shall continue for more than six months.

Punishment of offender.

CHAPTER VII.

JURISDICTION OF THE COURTS.

Suits cognizable.

83. The Courts of Revenue in Oudh shall take cognizance of the following descriptions of suits, and such suits shall be heard and determined in the said Courts in the manner provided in this Act, and not otherwise:—

Suits cognizable under this Act.

A.—Suits by a Landlord.

(1).—For the delivery by a tenant of the counterpart of a lease under section 9;

(2).—For

(2).—For arrears of rent;

(3).—For the enhancement of the rent of a tenant having a right of occupancy;

(4).—For the ejectment of a tenant or for cancelling any lease on account of the non-payment of arrears of rent, or on account of a breach of the conditions of such lease;

(5).—Suits by landlords against patwáris or agents employed by landlords in the management of land or the collection of revenue or rent, or against the sureties of such patwáris or agents for money received or accounts kept by such patwáris or agents in the course of such employment, or for papers in their possession, or for the rendering and settlement of accounts.

B.—Suits by an Under-proprietor or a Tenant.

(6).—For establishing a right of occupancy;

(7).—For the delivery by a landlord of a lease;

(8).—For contesting a notice of ejectment;

(9).—For compensation—

on account of illegal enforcement of payment of rent, or of any sum in excess of rent due,

or on account of the refusal of receipts or acknowledgments for rent paid or tendered,

or on account of illegal ejectment,

or on account of the value of standing crops under section 46;

(10).—For the recovery of the occupancy of any land from which an under-proprietor or tenant has been illegally ejected by the landlord;

(11).—For contesting the exercise of the power of distraint conferred on landlords and others by this Act, or any acts purporting to be done in exercise of the said power, or for compensation for illegal distraint;

(12).—For abatement of rent in accordance with the provisions of section 19;

(13).—For the recovery of compensation for improvements in accordance with the provisions of section 22.

C.—*Suits*

C.—Suits regarding the Division or Appraisement of Produce.

(14).—Suits under section 31, regarding the division, estimate, or appraisement of the produce of land.

D.—Suits by, and against, Lumberdárs, Co-sharers and Muáfídárs.

(15).—Suits by a sharer against a lumberdár or co-sharer for share of the profits of an estate or any part thereof, or for the rendering and settlement of accounts in respect of such profits;

(16).—Suits by a lumberdár or pattídár who is entitled to collect the rents of the pattí, for arrears of revenue or rent payable through him by the co-sharers whom he represents, and by a lumberdár for village-expenses and other dues for which the co-sharers may be responsible to him, or against a joint lumberdár for compensation for revenue or rent paid by such lumberdár on account of such joint lumberdár;

(17).—Suits by co-sharers against lumberdárs, or by proprietors or lessees against muáfídárs or assignees of revenue, for compensation on account of exaction in excess of revenue or rent, or on account of the refusal of receipts or acknowledgments for revenue or rent paid or tendered;

(18).—Suits by muáfídárs or assignees of revenue for arrears of revenue.

Grades of Courts.

Grades of Courts for the purposes of this Act.

84. For the purposes of this Act, the Courts of Revenue shall consist of six grades of Courts, namely—

(1).—The Court of the Assistant Collector of the second class;

(2).—The Court of the Assistant Collector of the first class;

(3).—The Court of the Deputy Collector;

(4).—The Court of the Collector;

(5).—The Court of the Commissioner;

(6).—The Court of the Financial Commissioner.

Chief Commissioner may declare grade of Tahsíldár or Assistant Commissioner.

85. Subject to any orders that may from time to time be issued by the Governor General in Council, the Chief Commissioner of Oudh shall have power to declare to which of the first three grades any Assistant Commissioner shall belong, and to invest any Tahsíldár with the powers of any of the same grades.

86. The

Deputy Commissioner to have Collector's powers.

86. The Deputy Commissioner shall exercise the powers of a Collector under this Act.

Settlement officers may be invested with powers of Collector, &c., under this Act.

87. Subject to any orders in this behalf that may from time to time be made by the Governor General of India in Council, the Chief Commissioner of Oudh may invest any officer employed in making or revising settlements of revenue with all or any of the powers of a Collector, or Deputy Collector, or Assistant Collector, under this Act.

Jurisdiction of Assistant Collector of the second class.

88. The Court of the Assistant Collector of the second class shall have power to try and determine suits of the descriptions mentioned in clauses 1, 2, 7, 12, 15, 16, 17 and 18 of section 83, of which the subject-matter does not exceed one hundred rupees in value or amount.

Jurisdiction of Assistant Collector of the first class.

89. The Court of the Assistant Collector of the first class shall have power to try and determine suits of the descriptions referred to in the last preceding section, of which the subject-matter does not exceed five hundred rupees in value or amount.

Jurisdiction of Deputy Collector.

90. The Court of the Deputy Collector shall have power to try and determine suits of every description, of which the subject-matter does not exceed five thousand rupees in value or amount.

Jurisdiction of Collector.

91. The Court of the Collector shall have power to try and determine suits of every description and of any amount, and to hear appeals from the decisions in suits, and (where, an appeal is allowed by the Code of Civil Procedure as applied by this Act) from the orders, of the Assistant Collectors, and, in suits under clauses 2, 5, 9, 11, 14, 15, 16, 17 and 18 of section 83, from such decisions and orders of the Deputy Collectors.

Whenever the state of the public business requires it, the Chief Commissioner may invest any Deputy Collector with the powers of a Collector for the trial and determination of suits and appeals under this Act, other than appeals from the decisions of such Deputy Collector, and may, with the sanction of the Governor General of India in Council, invest any Collector with all or any of the powers of a Commissioner under this Act.

92. The

92. The Court of the Commissioner shall have power to hear and determine appeals from decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders, of the Collectors and Deputy Collectors, except as otherwise provided in sections 91, 95 and 102.

Jurisdiction of Commissioner.

93. The Court of the Financial Commissioner shall have power to hear and determine appeals from the decisions in suits, and (where an appeal is allowed by the Code of Civil Procedure) from the orders, of the Commissioners, and also special appeals, as provided in the said Code, from the decisions passed in regular appeal by the Collectors and by the Commissioners.

Jurisdiction of Financial Commissioner.

Appeals.

94. The memorandum of appeal, prepared in the form and containing the particulars mentioned in the Code of Civil Procedure, shall be presented to the Court empowered to hear the appeal within the period hereinafter specified, unless the appellant shall show sufficient cause, to the satisfaction of such Court, for not having presented the memorandum within such period; that is to say, thirty days if the appeal lie to the Collector, six weeks if the appeal lie to the Commissioner, and ninety days if the appeal lie to the Financial Commissioner.

Time for presenting appeals.

The period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Applications for the admission of special appeals shall be presented in the Court of the Financial Commissioner within the period hereinbefore fixed for the presentation of a memorandum of appeal.

95. In suits under clauses 2, 5, 9, 11, 14, 15, 16, 17 and 18 of section 83, and in appeals from decisions in such suits tried and decided by a Commissioner or Collector, if the amount sued for does not exceed one hundred rupees, the judgment shall be final, except as hereinafter provided, unless in any such suit a question of right to enhance or otherwise vary the rent of a tenant, or any

No appeal, except in certain cases, from Collector's decree for money below one hundred rupees.

any question relating to a title to land or to some interest in land, as between parties having conflicting claims thereto, has been determined by the judgment.

In such case the judgment shall be open to appeal in the manner provided in this Act.

Distribution of Business.

Deputy Commissioner may distribute business in subordinate Courts.

96. The Deputy Commissioner may direct the business in the Courts subordinate to him, whether or not they hold their sittings in the same place, to be distributed among such Courts in such way as he shall think fit.

Transfer of Suits and Appeals.

Transfer of suits from subordinate Courts to Commissioner's or Collector's Court.

97. The Commissioner or the Deputy Commissioner may withdraw any suit instituted in any Court subordinate to him, and try such suit himself, or refer it for trial to any other such Court competent to try the same.

Withdrawal or reference of appeals.

The Commissioner may also withdraw any appeal instituted in the Court of any Collector subordinate to him, and try the appeal himself, or refer it for trial to the Court of any other Collector in his Division.

Financial Commissioner may transfer suits and appeals from one subordinate Court to another.

98. The Financial Commissioner may order that any suit or appeal which shall be instituted in or presented to any Court subordinate to him, shall be transferred to any other such Court competent to try or hear the subject-matter of the same.

Miscellaneous.

General subordination of Courts.

99. In the performance of their duties under this Act, the Collectors shall be subject to the direction and control of the Commissioners and of the Financial Commissioner; and the Deputy Collectors and Assistant Collectors shall be subject to the direction and control of the Deputy Commissioners to whom they are respectively subordinate:

Proviso.

Provided that nothing in this section shall empower the Financial Commissioner or any Commissioner or Deputy Commissioner to interfere in any way not authorized by this Act with any decision or order in a suit.

100. All

100. All suits which, under the provisions of this Act, may be brought by or against landlords, may be brought by or against managing agents or tahsíldárs of estates held under khám management, whether such estates are the property of Government or not.

Suits by or against managing agents or tahsíldárs of khám estates.

101. No sharer in a joint estate, under-proprietary or other tenure, in which a division of land has not been made among the sharers, shall exercise any of the powers conferred by this Act in regard to the recovery of arrears of rent, enhancement of rent, ejectment of tenants or distress, otherwise than through a manager authorized to collect the rents on behalf of all the sharers.

Sharer to exercise certain powers only through manager or lumberdár.

In pattídárí estates or tenures such powers shall be exercised only through a lumberdár, or through the pattídár who is entitled to collect the rents of the patti.

102. If any landlord, under-proprietor, or tenant has, without his consent, been dispossessed of any land otherwise than by due course of law, such landlord, under-proprietor or tenant, or any person claiming through him, shall be entitled to recover possession thereof notwithstanding any other title has been set up, provided that he makes application to the Court to recover possession of the land within three months from the time of the dispossession.

Recovery of land of which applicant has been illegally dispossessed.

But nothing in this section shall bar the person from whom possession has been so recovered, or any other person, from instituting a suit to establish his title to such land and to recover possession thereof.

The application mentioned in the first clause of this section shall be heard by the Collector or Deputy Collector only, and no appeal shall lie from any order passed thereon, nor shall any review of such order be allowed.

103. The Courts may sit for the hearing and determining suits and appeals, and for disposing of other business under this Act, in any place within the local limits of their respective jurisdictions:

Courts may sit anywhere within limits of their jurisdiction.

Provided that every hearing and decision shall be in open Court, and that the parties to the suit or their authorized agents shall have had due notice to attend at such place.

CHAPTER

CHAPTER VIII.

Limitation of suits.

General limitation.

104. Except as herein otherwise provided, and subject to the provisions as to legal disability contained in any law for the limitation of suits for the time being in force in Oudh, all suits under this Act shall be instituted within one year from the date of the accruing of the cause of action.

Suits for delivery of leases or counterparts.

105. Suits for the delivery of leases or the counterparts of leases may be instituted at any time during the tenancy.

Suits for arrears of rent or revenue, or share of profits.

106. Suits for the recovery of arrears of rent or revenue, or of a share of profits, shall, except in the case mentioned in section 16, be instituted within three years from the date on which the arrear or share of profit claimed shall have become due.

Suits against agents for money, or delivery of accounts or papers.

107. Suits for the recovery of money in the hands of an agent, or for the settlement of accounts or delivery of papers by an agent, may be brought at any time during the continuance of the agency, or within one year after its determination, or, in the case of claims legally cognizable at the date of the passing of this Act, within one year after such date.

Suits regarding distress, division of produce, &c.

108. Suits regarding distress under sections 74, 78, 79 or 80, and suits regarding the division, estimate, or appraisement of the produce of land, shall be commenced within three months from the date of the accruing of the cause of action.

CHAPTER IX.

Procedure.

Civil Procedure Code to be the procedure under this Act.

109. Subject to the exceptions and provisoes under which the Code of Civil Procedure was extended to Oudh, as contained in the notification republished in schedule D hereto annexed, the provisions of the said Code shall, so far as they are not inconsistent with the provisions herein contained, apply to all suits, appeals and proceedings under this Act:

Provided

Provided that the said notification shall be read as if the words "Financial Commissioner" were substituted for the words "Judicial Commissioner," and that section 244 of the said Code shall be read as if, for the word "Court," the word "Commissioner" were substituted:

Provided also, that the words "ancestral property" in the said notification shall be held to include the property in land of persons admitted to engagement for the land-revenue at the summary settlement of 1858-59.

Particulars to be added to plaint.

110. In addition to the particulars required by section 26 of the said Code to be specified in the plaint, the plaint shall contain the following particulars:—

1st.—The name of the village or estate, and of the pargana, in which the land to which the suit relates is situate;

2nd.—If the suit be for the recovery of an arrear of rent, or for the enhancement or abatement of rent, or for the ejectment of a tenant, or for contesting a notice of enhancement of rent, or for contesting a notice for the ejectment of a tenant, or for the recovery of the occupancy or possession of any land, the plaint shall specify the extent, situation and designation of the land to which the suit relates, and, where fields have been marked in a Government survey, the number (if it be possible to give it) of each field;

3rd.—If the suit be for the recovery of an arrear of rent or revenue, the plaint shall specify the yearly rent or revenue of the land, the amount (if any) received on account of the year or years for which the claim is made, the amount in arrear, and the time in respect of which it is alleged to be due;

4th.—If the suit be for the delivery of a lease or the counterpart of a lease, the plaint shall specify all the particulars mentioned in section 7.

Third person claiming rent to be made a party.

111. When in any suit between a landlord and an under-proprietor or tenant, the right to receive the rent of the land is claimed by a third person, on the ground that he, or a person through whom he claims, has actually and in good faith received and enjoyed such rent up to the time of the commencement of the suit, such third person shall be made a party to the suit, and the question of the actual receipt and enjoyment of the rent by him or the person through whom

whom he claims shall be enquired into, and the suit shall be decided according to the result of such inquiry:

Provided always, that the decision of the Court shall not affect the right of any party having a legal right to the rent of such land to establish his title thereto in a Court of competent jurisdiction.

Summons to defendant to be for final disposal.

112. In all suits under this Act, the summons to the defendant shall be for the final disposal of the suit.

Set-off in suits for arrears of rent.

113. In a suit to recover an arrear of rent, no set-off shall be allowed against the claim, except such amount as may be due to the defendant on an unexecuted decree under this Act against the plaintiff.

Defendant may pay money into Court.

114. In any suit under this Act involving a claim to money, the defendant may, at any stage of the suit, deposit in Court such sum of money as he considers a satisfaction in full of the plaintiff's claim, together with the costs incurred by the plaintiff up to the time of such deposit.

Notice of the deposit shall be given to the plaintiff, and the amount deposited shall be paid to him on his application.

No interest shall be allowed to a plaintiff on any sum paid by the defendant into Court from the date of such payment, whether such sum be in full of the plaintiff's claim or fall short thereof.

Procedure for balance where defendant pays less than amount claimed.

115. In any case in which the defendant deposits less than the amount claimed by the plaintiff, nothing in section 114 shall bar the plaintiff from proceeding in the suit for the recovery of the balance.

Dismissal of suit for lease or counterpart, in absence of written evidence of agreement.

116. If a tenant not having a right of occupancy institute a suit against a landlord for the delivery of a lease, or a landlord institute a suit against a tenant not having a right of occupancy for the delivery of the counterpart of a lease, and the parties do not agree in respect of the particulars which such lease or counterpart is to contain, the Court shall dismiss the suit, unless evidence in writing is produced

duced which shall satisfy the Court that an agreement has been entered into between the parties in accordance with which such lease or counterpart ought to be delivered.

Collector may make local enquiry.

117. The local enquiry described in section 180 of the Code of Civil Procedure may also, if he think fit, be made by the Collector in person or other officer presiding in the Court, and the provisions of the said Code regarding local inquiries shall apply to such inquiries made by such Collector or other officer.

In such cases the Collector or other officer as aforesaid, after completing the inquiry, shall record on the proceedings such observations as he thinks fit, and the observations so recorded shall be received as evidence in the suit.

As to Decrees.

Time within which execution may be had.

118. No process of execution shall be issued on a decree under this Act after the lapse of three years from the date of such decree.

Immediate execution of decree.

119. When a decree for money is made in any suit under this Act, the Court may, on the oral application of the party in whose favour the decree is passed, direct immediate execution thereof in the manner described in section 13 of Act No. XXIII of 1861 *(to amend Act VIII of* 1859*)*.

Decree for enhancement to state date from which it is to take effect.

120. When a decree in favour of the plaintiff is made in a suit for an enhancement of rent, the Court shall declare the date from which such enhancement shall take effect.

Enforcement of decree for delivery of papers or accounts.

121. If the decree be for the delivery of papers or accounts, it may be enforced by the imprisonment in the civil jail of the party against whom it is made, or by the attachment of his property, or by both imprisonment and attachment.

The imprisonment and attachment may be continued until he complies with the terms of the decree:

Provided

Provided that no person shall be imprisoned under this section for a longer period than six months.

Decrees for lease or counterpart to specify particulars.

122. A decree for the delivery of a lease or of the counterpart of a lease shall specify all the particulars mentioned in section 7, and such other particulars as to the Court seem fit.

Court after decree may grant lease or counterpart, in case of defendant's refusal.

123. If the decree be for the delivery of a lease or the counterpart of a lease, and the party ordered to deliver such lease or counterpart neglects or refuses so to do, the Court may grant a lease or counterpart in conformity with the terms of the decree, and such lease or counterpart shall have the same effect as if delivered by the party against whom the decree was passed.

Execution to be first made against moveable property.

124. If the decree be for money, no process in execution shall issue against the immoveable property of the judgment-debtor, other than attachment of such property, unless satisfaction of the decree cannot be obtained against his moveable property.

Sale of under-proprietary right in execution of decree for arrears of rent.

125. If the decree be for an arrear of rent due in respect of an under-proprietary right, the interest of the judgment-debtor in such right may, subject to the provisions of this Act, be sold in execution of the decree:

Provided that no such sale shall be allowed unless it appear to the Deputy Commissioner that satisfaction of the decree cannot be made in the manner referred to in sections 243 and 244 of the Code of Civil Procedure.

If it appear to the Court that such satisfaction can be made, the Court may exercise the powers given to it by the said section 243, although no application has been made by the judgment-debtor.

Appointment of Deputy Commissioner as manager.

The Deputy Commissioner may be appointed manager under the same section. When he has been so appointed, he may exercise, for the satisfaction of the decree against the judgment-debtor, all the powers which, under any law in force in Oudh, he might

might have exercised for the recovery of an arrear of revenue due by such judgment-debtor to the Government.

Registration of incumbrance created by under-proprietor.

126. No beneficial lease or other incumbrance hereafter created on his tenure by any under-proprietor shall be valid, in the event of the sale of his rights and interests in execution of a decree for arrears of rent, unless such incumbrance has been registered, under any rules or law for the time being in force in Oudh, within four months after the creation thereof, and not less than thirty days before the date of attachment of such rights and interests.

Proprietor's lien for rent payable by under-proprietor.

127. When an under-proprietor creates any such incumbrance, and fails to pay to the proprietor all or any part of the rent subsequently accruing in respect of the land subject to the incumbrance, the incumbrancer shall be liable to pay to the proprietor the whole or such part as aforesaid of the said rent, unless the proprietor has agreed in writing to waive any claim which he might otherwise have made on the incumbrancer under this section.

Right of pre-emption at execution-sales.

128. When land is sold in execution of a decree under this Act, and the land or any lot thereof has been knocked down to a stranger, any co-sharer, other than the judgment-debtor, may, before sunset on the day of sale, claim to take the land or lot, as the case may be, at the sum at which it was so knocked down.

If the land be an under-proprietary tenure, a like claim may also be made by the proprietor.

Any claim made under this section shall be allowed: Provided that, if a claim to the same land or lot be made by a proprietor as well as by a co-sharer, the claim of the co-sharer shall be preferred: Provided also, that no claim shall be allowed unless the claimant fulfil all the conditions of the sale binding on a purchaser.

SCHEDULE

SCHEDULE A.*

(*See section* 15).

I, *A. B.*, of &c., solemnly declare that I did personally [*or* by my agent *C. D.*] on the day of tender payment to *E. F.* at (the place where the { revenue / rent } of the lands at , held [*or* cultivated] by me under [*or* from *or* jointly with] the said *E. F.*, are usually payable) of the sum of rupees as and for the whole amount due from me in respect of the { revenue / rent } of the said lands from the month of to the month of both inclusive. I further declare that the said *E. F.* refused to accept the said sum so tendered [*or* to give me a receipt in full, forthwith, for the sum so tendered]. And I declare that, to the best of my belief, the sum of rupees so tendered, and which I now desire to pay into Court, is the full amount which I owe the said *E. F.* on account of the { revenue / rent } of the said lands from the month of to the month of both inclusive, and that I owe the said *E. F.* no further sum on account of the { revenue / rent } of the said lands.

I the person named in the above declaration, do declare that what is stated therein is true to the best of my information and belief.

SCHEDULE B.†

(*See section* 15).

Court of the of dated the day of 18

To *E. F.*, of &c.

With reference to the within declaration, you are hereby informed that the sum of rupees therein mentioned, is now in deposit in this Court, and that the above sum will be paid to you or your duly authorized agent on application. And take notice that if you have any further claim or demand whatsoever to make against the said *A. B.* in respect of the rent of the said lands, you must institute a suit in Court for the establishment of such claim or demand within six calendar months from this date, otherwise your claim will be for ever barred.

SCHEDULE C.

(*See section* 59).

Office of officer appointed to sell distrained property.

A. B.—Distrainer.

Whereas the said *A. B.* has applied to have the distrained property specified below sold for the recovery of alleged to be due to him as arrears of rent, you are hereby

* If this declaration is made by an agent, it must be altered accordingly.

† This is to be by endorsement on a copy of the declaration under schedule A made by the person paying the money into Court.

required

required either to pay the said sum to the said *A. B.*, or to institute a suit before the Court to contest the demand within fifteen days from the receipt of this notice, failing which the property will be sold.

Dated this *day of* 186 .

SCHEDULE D.

(*See section* 109).

Under the provisions of section 385 of Act No. VIII of 1859, and section 3 of Act No. IV of 1860, His Excellency the Governor General in Council is pleased to notify that, from first January 1862, Act VIII of 1859 is extended to the Province of Oudh, subject to the following exceptions and provisoes :—

1. Section 3 shall be subject to the following proviso :—

Provided that the Judicial Commissioner or any other Court exercising any appellate jurisdiction within the Province of Oudh, may, at any time within one year from the time of the passing or execution of any judgment or order by any Court subordinate to the said Appellate Court, call for such judgment or proceedings without any regular appeal or application for review having been preferred against the same, and may, if he or it shall see sufficient grounds, revise and alter, or reverse or confirm the same. But that in such case, before revising, altering or reversing any one judgment or order, the said Judicial Commissioner, or it, shall cause the same notice to be given to the party in whose favour the said judgment or order was pronounced, and the same opportunity to such party to be heard in support thereof, and the same proceedings to be taken as if a memorandum of appeal had been filed by the party aggrieved thereby.

2. Section 17 is excepted, and the term recognized agent is defined as follows, *viz.*, a permanent servant, partner, relation, or friend, whom the Court may admit as a fit person to represent a party, and especially persons holding powers-of-attorney from absent parties, persons carrying on business on behalf of bankers and traders, managing agents of landholders, nearest male relations of women, and persons *ex officio* authorized to act for Government, or for any Prince or Chief.

3. Section 111 shall be subject to the following limitation :—It shall not be obligatory on the Court to decide *ex parte* in the absence of defendant, but the Court may proceed to compel his attendance under the following rule, being the rule now in force in Oudh :—

Rule.—If the defendant does not appear, it shall be at the discretion of the Court to issue a warrant to arrest him and detain him till another day appointed for the hearing of the case, and to attach his property.

4. Section 172.—So much of this section as requires that the whole of the evidence shall be taken down in writing in the language in ordinary use is excepted, and the record made by the

the hand of the Judge, under the following rule, being the rule now in force in Oudh, shall be taken as a record of the evidence :—

Rule.—An intelligible note of the essential points of the evidence of each witness is to be taken at the time and in the course of oral examination by the officer who tries the case, in his own language. The notes must be legible, complete, and properly arranged, must attest the presence of the witness at the time, and mark every postponement and change of time and scene, so that their *bonâ fide* character may be apparent. Every essential point must be noted, but mere surplusage may be omitted. These notes shall be filed, and shall form part of the record of the case: Provided that in cases tried by a European officer, who has not passed the examination in the Native languages prescribed for Assistant Commissioners exercising special powers, the evidence of witnesses shall also be recorded at length in their own language.

Section 205.—So much of this section as renders land liable to sale in execution of a decree, will be subject to the restrictions on the sale of land prescribed by the following rule, being the local rule now in force in Oudh :—

Rule.—No ancestral property in land shall be sold in satisfaction of a decree, without the sanction of the Judicial Commissioner; and before acquired property in land shall be so sold, the permission of the Divisional Commissioner shall be obtained.

INDEX

TO

THE OUDH RENT ACT.

Abatement of rent, suits for, secs. 19, 83, para. 12.
Account of grounds of demand of arrears made, sec. 52.
„ service of, *ib.*
Accounts, suit by landlord for agent's, sec. 83, para. 5.
„ suit by sharer for, sec. 83, para. 15.
Acknowledgment of tender of rent, sec. 13.
„ compensation for withholding, *ib.*, sec. 83, para. 9.
Act VIII of 1859, see *Code of Civil Procedure.*
„ XXIII of 1861 (sec. 9), sec. 25, (sec. 13), sec. 119.
Agent, recognized, of landlord, secs. 17, 21.
„ of landlord, may enter to survey and measure, sec. 27.
„ authorized by power-of-attorney, distress by, sec. 49.
„ suits by landlord against, sec. 83, para. 5.
„ „ against surety of, *ib.*
„ suits by or against managing, sec. 100.
„ authorized, to have notice to attend, sec. 103.
„ limitation of suits against, sec. 107.
Agreements in writing saved, see *Written agreement.*
„ that rent shall be altered, sec. 36.
„ for payment in excess of previous rent, sec. 48.
„ to waive claim on incumbrancer, sec. 127.
Amount of rent payable, lease to specify, sec. 7.
„ of compensation for improvements, sec. 25.
Ancestral property' defined, sec. 109.
Appeal from decision of settlement officers as to commutation of rent in kind, sec. 28.
„ heard by collector, secs. 91, 94.
„ heard by commissioner, secs. 92, 94.
„ heard by financial commissioner, secs. 93, 94.
„ time for presenting, sec. 94.
„ applications for, *ib.*
„ when it lies in suits under rupees 100, sec. 95.
„ transfer of, sec. 97.
„ not from order on application to recover possession, sec. 102.
Application on making deposit of revenue or rent, sec. 15.
„ to tahsíldár in case of refusal to receive notice of desire to relinquish land, sec. 21.
„ for determination of difference as to compensation for improvements, sec. 25.
„ to settlement officer for commutation of rents in kind, sec. 28.
„ to court for officer to make division, &c., of produce taken for rent, sec. 30.
„ to court by distrainer in case of resistance, sec. 55.
„ for sale of crops distrained, sec. 57.
form of, sec. 58.
„ for admission of special appeal, sec. 94.
„ to recover land of which applicant has been illegally dispossessed, sec. 102.
Arbitration, questions as to compensation for improvements may be referred to, sec. 25.
Area diminished, see *Abatement of rent.*
'Arrear of rent' defined, sec. 12.
„ of revenue defined, *ib.*
„ of rent, ejectment for, sec. 40.
Arrear for which distress may be made, sec. 48.
„ written demand of, sec. 52.
„ of rent, suit for, sec. 83, para. 2.
„ of revenue, suit for, sec. 83, para. 18.
Arrest of person resisting distress or removing distrained property, sec. 81.
Assignees of revenue, see *Muáfidárs.*
Assistant Collector, court of, sec. 84.
„ settlement officers may be invested with jurisdiction of, sec. 87.
„ of second class, sec. 88.
„ of first class, sec. 89.
„ jurisdiction of, secs. 88, 89.
„ to be subject to control of deputy commissioner, sec. 99.
"Assistant Commissioner" includes extra assistant commissioner, sec. 3.
„ chief commissioner may declare grade of, sec. 85.
Attachment not to prevail against landlord's claim, sec. 76.
„ of property of defendant decreed to deliver papers or accounts, sec 121.
Auction of property distrained, sec. 61.
See *Sale.*
Authority to continue to occupy after service of notice of ejectment, sec. 46.
Authorized agents, see *Agent.*
Award as to division, &c., of produce taken for rent, sec. 31.
Balance, see *Decree, Limitation.*
Bar of right to compensation for improvements, sec. 26.
Beneficial lease, compensation for improvements by grant of, sec. 24.
„ by under-proprietor, registration of, sec. 126.
See *Incumbrances.*
Bond, withdrawal of distress on execution of, sec. 62
„ certificate of execution of, *ib.*
Burden of proof in suits to contest distrainer's demand, sec. 72.
Business, distribution of, sec. 96.
Cancellation of lease, sec. 11.
„ suit for, sec. 83, para. 4.
Certificate of institution of suit to contest distrainer's demand, sec. 60.
„ of execution of bond for amount due by defaulting tenant, sec 62.
„ to purchaser of distrained property, sec. 66.
Charge of distrained property. sec. 54.
Chief Commissioner may extend provisions as to commutation of rents, sec. 29.
„ make rules for guidance of commuting officers, *ib.*
„ declare grade of assistant commissioner, sec. 85.
„ invest tahsíldárs with powers of assistant commissioner, *ib.*

Chief Commissioner may invest settlement officers with powers of collectors, sec. 87.
" invest deputy collector with certain powers of collector, sec. 91.
" invest any collector with the powers of a commissioner, *ib.*

See *Oudh.*

Clearing, see *Jungle, Waste-land.*
Code of Civil Procedure, section 24, to apply to person verifying declaration on deposit, in court, of revenue or rent, sec. 15.
" chapter six (*as to reference to arbitration*) to apply to proceedings on application to settle compensation for improvements, sec. 25.
" to be procedure under this Act, sec. 109.
" local enquiry under, sec. 117.
" notification extending, sched. D.
Collector, court of, sec. 84.
" deputy commissioner to have powers of, sec. 86.
" settlement officers may have powers of, sec. 87.
" jurisdiction of, sec 91.
" time for appealing to, sec. 94.
" to be subject to control of commissioner and financial commissioner, sec. 99.
" may make local enquiry, sec. 117.

See *Deputy Collector.*

Commissioner, court of, sec. 84.
" collector may be invested with powers of, sec. 91.
" jurisdiction of, sec. 92.
" time for appealing to, sec. 94.
" may transfer suits in subordinate courts, sec. 97.
" may transfer appeals in collectors' courts, *ib.*
Commutation of rents in kind, sec. 28.

See *Appeal, Local Government.*

Compensation for withholding receipt or acknowledgment of tender, sec. 13.
" to tenant for non-acceptance of revenue or rent, sec. 17.
" for illegal enforcement of payment of rent, sec. 18.
" for tenants' improvements, sec. 22.
" how made, sec. 24.
" difference as to amount or value of, sec. 25.
" bar of right to claim, sec. 26.
" for illegal ejectment, sec. 45.
" to ejected tenants for growing crops, sec. 46.
" for vexatious distress, sec. 73.
" for illegal distress, sec. 78.
" for illegal act or neglect of distrainer, sec. 79.
" for distress or sale falsely purporting to be under Act, sec. 80.
" suits for, by under-proprietor or tenant, sec. 83, para. 9.

See *Application, Arbitration.*

Conditions, lease to mention special, sec. 7.
Copy of list of property distrained to be delivered to owner, sec. 53.
" of proclamation fixing day for sale of distrained property, sec. 59.
Co-sharer, possession of under-proprietary right by, sec. 5.
" may pay into court, without suit brought, amount of rent due, sec. 14.
Co-sharer, suits against, sec. 83, para. 15.
" suits by, sec. 83, para. 17.
" in under-proprietary tenure, may claim right of pre-emption, sec. 128.
Costs of service of notice of desire to relinquish land, sec. 21.
" of service of notice of ejectment, sec. 43.
" of distress, distress for, sec. 53.
" tender of, sec. 56.
" payment of, sec. 63.
" sale for, sec. 64.
" of suit to contest distrainer's demand, sec. 61.
" of sale of distrained property, sec. 67.
Counterpart of lease, landlord's right to, sec. 10.
" suit for delivery of, sec. 83, para. 1.
" granted by court, sec. 123.

See *Limitation.*

'Court' defined, sec. 3.
" deposit in, of revenue or rent, sec. 14.
" to give receipt for deposit, sec. 15.
" when it may allow remission from rent, sec. 20.
" to determine difference as to compensation for improvements, sec. 25.
" application to, for officer to make division, estimate, or appraisement, sec. 30.
" to issue notice to attend at division, &c., sec. 31.
" not to enquire into rate of rent payable by tenant not having right of occupancy, sec. 35.
" may give assistance to eject, sec. 45.
" of wards, distress by manager under, sec. 49.
" after decree, may grant lease or counterpart in case of defendant's refusal, sec. 123.

See *Application, Deposit, Suit.*

Courts of revenue, suits cognizable by, sec. 83.
" grades of, sec. 84.
" may sit anywhere within local limits of their jurisdiction, sec. 103.
Crops liable to distress, sec. 51.
" when distrained, may be reaped and stored, sec. 54.
" suits for value of standing, sec. 83, para. 9.

See *Perishable Property.*

Cultivation not in accordance with terms of lease, sec. 38.
Curator of lunatic or idiot included in 'representative,' sec. 3.
Damages, see *Compensation.*
Declaration on making deposit of revenue, or rent, sec. 15.
" form of, sched. A.
Decree cancelling lease, sec. 11.
" deposit by tenant holding under, sec. 14.
" for balance due by depositor, sec. 16.
" in respect of illegal enforcement of payment of rent, sec. 18.
" for ejectment of tenant with right of occupancy, sec. 41.
" for arrear of rent payable by tenant with right of occupancy, *ib.*
" declaring tenant to be liable for excess of rent, sec. 48.
" in suits to contest distrainer's demand, sec. 72.
" execution not to issue after three years from date of, sec. 118.
" for money, immediate execution of, sec. 119.
" in suit for enhancement, sec. 120.
" for delivery of papers or accounts, how enforced, sec. 121.
" for delivery of lease or counterpart to specify particulars, sec. 122.
Defendant, see *Parties, Payment, Summons.*
Delivery of produce, lease to specify time, manner, and place of, sec. 7.

Demand of arrear before or at time of distraint, sec. 52.
„ service of, *ib.*
Deposit of revenue or rent in court without suit, sec. 14.
„ to operate as payment to lumberdár or landlord, *ib.*

See *Payment.*

Deputy collector, court of, sec. 84.
„ settlement officers may be invested with powers of, sec. 87.
„ jurisdiction of, sec. 90.
„ to be subject to control of deputy commissioner, sec. 99.
„ may be appointed manager under section 243 of Code of Civil Procedure, sec. 125.
Deputy Commissioner, court of, sec. 84.
„ to have collector's powers, sec. 86.
„ may distribute business in subordinate courts, sec. 96.
„ may transfer suits from subordinate courts, sec. 97.
Diluvion, suits for abatement of rent on account of, sec. 19.
„ remission of rent in case of, sec. 20.
Diminution, see *Land.*
Discharge, see *Receipt.*
Dismissal of suit for lease or counterpart by or against tenant without right of occupancy, sec, 116.
Dispossession, see *Possession.*
Distrainer, expenses of, sec. 67.
„ compensation for illegal act or neglect of, sec. 79.
Distress of produce by landlord for rent, sec. 47.
„ when not to be made, sec. 48.
„ who may exercise power of, sec. 49.
„ by servants of persons empowered to distrain, sec. 50.
„ not of grain stored, sec. 51.
„ value of, sec. 53.
„ to be withdrawn on tender of arrear and expenses, sec. 56.
„ release of property from, sec. 62.
„ compensation for vexatious or groundless, sec. 73.
„ compensation for illegal, secs. 74, 78.
„ procedure in case of resistance to, sec. 81.
„ suit for contesting exercise of power of, sec. 83, para. 11.
„ „ compensation for illegal, *ib.*

See *Arrest, Auction, Bond, Certificate, Costs, Fine.*

Distribution of business, sec. 96.
Drainage, construction of works for, an 'improvement,' sec. 23, cl. 1.
Drought, remission of rent where produce diminished by, sec. 20.
Dues, see *Village-expenses.*
Ejectment, postponement of, sec. 11.
„ of improving tenant, sec. 22.
„ grounds on which tenant may contest liability to, sec. 37.
„ non-service of notice of, *ib.*
„ of tenant, time of, sec. 38.
„ of sub-lessor, sec. 39.
„ for arrears of rent, sec. 40.
„ of tenant with right of occupancy, sec. 41.
„ of tenant without right of occupancy, sec. 42.
„ notice of, secs. 42, 43.
„ service of notice of, sec. 43.
„ compensation for illegal, sec. 45.
„ suit for, sec. 83, para. 4.

See *Crops, Right of Occupancy.*

Enhancement, of rent of improving tenant, sec. 22.
„ of rent of tenant with right of occupancy, sec. 32.
Enhancement on re-assessment of revenue, sec. 34.
„ of rent of tenant having right of occupancy, suit for, sec. 83, para. 3.
„ suits for illegal, sec. 83, para. 9.
„ court decreeing, to declare date from which it shall take effect, sec. 120.

See *Re-enhancement.*

Enquiry, see *Local enquiry.*
Entry, landlord's right of, sec. 27.
Evidence, written, as to alteration of rent, sec. 36.
„ of agreement to deliver lease or counterpart, sec. 116.
„ of arrear in suits to contest distrainer's demand, sec. 72.
„ observations of collector making local enquiry to be, sec. 117.

See *Burden of proof.*

Exaction in excess of revenue or rent, suit for, sec. 83, para. 17.
Execution of decree in suit to contest distrainer's demand, sec. 72
„ for money, sec. 119.
„ for money to be first made against moveable property, sec. 124.
„ not to issue after three years from date of decree, sec. 118.
Expenses see *Costs.*
Extent of Act, sec. 1.
Extra Assistant Commissioner included in "assistant commissioner," sec. 3.
Field, see *Number.*
Financial Commissioner, court of, sec. 84.
„ jurisdiction of, sec. 93.
„ time for appealing to, sec. 94.
„ may transfer suits and appeals from one subordinate court to another, sec. 98.
Fine on person resisting distress or removing distrained property, sec. 82.
Floods, construction of works for protection against, an 'improvement,' sec. 23, cl. 1.
Form, see *Declaration, Notice.*
Governor General in Council, his sanction to rules, sec. 29.
may make orders as to investing settlement officers with collector's powers, sec. 87.
his sanction to investing collector with commissioner's powers, sec 91.
Grades of courts of revenue, sec. 84.
Grains stored not distrainable, sec. 51.
Grounds for enhancement of rent, sec. 32.
„ contesting liability to ejectment, sec. 37.
Growing crops, compensation to ejected tenants for, sec. 46.
Guardian of minor included in 'representative,' sec. 3.
Hail, remission of rent when produce diminished by, sec. 20.
Idiot, see *Curator.*
Imprisonment of person resisting distress or removing distrained property, secs. 81, 82.
„ of defendant decreed to deliver papers or accounts, sec. 121.
Improvements, compensation for, sec. 22.
defined, sec. 23.
suits for compensation for, sec. 83, para. 13.
Incumbrances created by under-proprietor when valid in event of execution-sale, sec. 126.
Index not to have force of law, sec. 4.
Inquiry by court as to compensation for improvements, sec 25.

Instalments of rent to be mentioned in lease, sec. 7.
„ of rent payable to proprietor, sec. 12.
nterest, not on sums paid by defendant into court, sec. 114.
Interpretation-clause, sec. 3.
Inventory of property distrained, see *List*.
Irrigation, 'rent' includes money paid for use of water for, sec. 3.
„ works for, an 'improvement', sec. 23, cl. 1.
Jungle, reclamation and clearing of, an 'improvement,' sec. 23.
Khám estates, suits by or against managing agents or tahsildárs of, sec. 100.
Kind, rent payable in, sec. 7.

See *Commutation*.

'Land' defined, sec. 3.
„ diminution of area of, sec. 19.
„ relinquishment of, sec. 21.
„ recovery of, after illegal dispossession, sec. 102.
'Landlord' defined, sec. 3.
„ to grant leases, secs. 7, 8, 9.
„ entitled to counterparts, sec. 10.
„ infringing terms of lease, sec. 11.
„ withholding receipt or acknowledgment, sec. 13.
„ deposit of rent in court to operate as payment to, sec. 14.
„ payment to, by court, of amount deposited, sec. 17.
„ notice to, of desire to relinquish land, sec. 21.
„ serving notice of ejectment on, or suing improving tenant, sec. 22.
„ option of, as to compensation for improvements, sec. 24.
„ assistance given by, sec. 25.
„ tendering lease for not less than twenty years, sec. 26.
„ may enter on, survey and measure lands, sec. 27.
„ may apply for commutation of rent in kind, sec. 28.
„ attending at division and appraisement of produce, sec. 30.
„ his prior claim to distrainable produce in possession of defaulting tenant, sec. 76.
„ suits by, sec. 83, paras. 1 to 5, sec. 116.

See *Accounts, Attachment, Representative*.

Languages of notice of ejectment, sec. 43.
Laws repealed, sec. 2.
Lease, tenant entitled to, sec. 7.
„ contents of, *ib.*
„ to which tenant with occupancy is entitled, sec. 8.
„ to which tenant not having right of occupancy is entitled, sec. 9.
„ tenant to execute counterpart of, sec. 10.
„ cancelment of, sec. 11.
„ compensation for improvements, by grant of beneficial, sec. 24.
„ for twenty years, right to compensation for improvements barred by tender of, sec. 26.
„ cultivation not in accordance with terms of, sec. 38.
„ suit for delivery of, sec. 83, para. 7.
„ granted by court, sec. 123.
„ granted by under-proprietor, when to be registered, sec. 126.

See *Amount, Conditions, Delivery, Instalments, Limitation, Number, Produce, Quantity, Tenant, Term*.

Liability of incumbrancer to proprietor, sec. 127.
Lien of proprietor for rent payable by under-proprietor, sec. 127.
Limitation of suits against depositor, for revenue or rent accruing due prior to deposit, sec. 16.
„ of suits to set aside award of officer deputed to make appraisement, sec. 31.
Limitation of suits to dispute ejectment, sec. 43.
„ of suits to contest distrainer's demand, sec. 61.
„ of suits to establish title to rent, sec. 77.
„ of suits generally, sec. 104.
„ of suits for delivery of leases or counterparts, sec. 105.
„ of suits for arrears of rent or revenue, or share of profits, sec. 106.
„ of suits against agents for money or delivery of accounts or papers, sec. 107.
„ of suits regarding distress and division of produce, sec. 108.
„ of time for selling distrained property, secs. 59, 71.
„ of time for complaining of resistance to distress or removal of distrained property, sec. 81.
„ of time for presenting appeals, sec. 94.
„ of time for issuing execution, sec. 118.
„ of time for registering incumbrances created by under-proprietor, sec. 126.
„ of amount recoverable for expenses of sale of distress, sec. 70.
„ of amount of compensation for vexatious distress, sec. 73.
„ of application for recovery of possession of land, sec. 102.
List of property distrained, secs. 53, 58.
Local enquiry may be made by the collector, sec. 117.
Local Government, see *Chief Commissioner*.
Loss of right of occupancy, sec. 6.
'Lumberdár' defined, sec. 3.
„ deposit of revenue in court to operate as payment to, sec. 14.
„ payment to, by court, sec. 17.
„ suits against, for share of profits, sec. 83, para. 15.
„ suits against, for accounts of profits, *ib.*
„ suits by, for arrear of revenue or rent, or for village expenses, sec. 83, para. 16.
„ suits against, by joint lumberdárs, for compensation for revenue or rent, *ib.*
„ suits by co-sharer against, sec. 83, para. 17.
„ powers exerciseable only by, sec. 101.
Lunatic, see *Curator*.
Managers under court of wards may distrain, sec. 49.
„ authorised to collect rent for sharers, sec. 101.
„ powers exerciseable by, *ib.*
„ under sec. 243 of the Code of Civil Procedure, deputy collectors may be, sec. 125.
Managing agent, distraint by, sec. 49.
Measurement, entry for, sec. 27.
Minor, see *Guardian*.
Moveable property, see *Execution*.
Muáfidárs, suits against, for exaction in excess of rent or refusal of receipts or acknowledgments, sec. 83, para. 17.
„ suits by, for arrears of revenue, sec. 83, para. 18.
Notice to person to whose credit revenue or rent is deposited, sec. 15.
„ how served, *ib.*
„ form of, schedule B.
„ of desire to relinquish land, sec. 21.
„ how served, *ib.*
„ of application in case of difference as to compensation for improvements, sec. 25.
„ to attend at division, &c., of produce taken for rent, sec. 31.
„ of ejectment of tenant not having right of occupancy, secs. 42, 43.
„ contents of, sec. 43.
„ how served, *ib.*
„ costs of service of, *ib.*

Notice to person whose property has been distrained, secs. 58, 59.
„ form of, schedule C.
„ of execution of bond by person whose property is distrained, sec. 62.
„ of satisfaction of distrainer's demand, sec. 70.
„ of ejectment, suits for contesting, sec. 83, para. 8.
„ to parties to suit to attend at place where court sits, sec. 103.
„ of payment into court in suits, sec. 114.

See *Languages.*

Notification extending Act VIII of 1859 to Oudh, sec. 109 and schedule D.
Number of field to be mentioned in lease, sec. 7.
Occupancy, right of, see *Right of Occupancy.*
Occupation of tenant after notice of ejectment, sec. 44.
„ recovery of, sec. 83, para. 10.
Officer deputed by court to make division, &c., sec. 31.
„ to assist distrainer, sec. 55.
„ authorised to sell property, sec. 57.
„ his duty on receiving application from distrainer, sec. 59.
„ when to suspend sale, sec. 60.
„ when to proceed with sale, sec. 63.
„ where and how he is to sell, sec. 64.
„ may postpone sale where fair price not offered, sec. 65.
„ to give certificate to purchaser, sec. 66.
„ how to deal with proceeds, sec. 67.
„ not to purchase, sec. 68.
„ to report irregularities, sec. 69.
„ to postpone sale in absence of notice to owner, sec. 69.
„ to levy expenses, sec. 70.
„ notice of satisfaction to, *ib.*
„ proclamation of sale by, when arrears are adjudged due, sec. 71.
„ sale by, *ib.*

See *Settlement Officers.*

Option of landlord as to compensation, sec. 24.
Orders repealed, sec. 2.
„ as to investment of settlement officers with collector's powers, sec. 87.
'Oudh' defined, sec. 3.

See *Chief Commissioner.*

Papers in possession of patwáris or agents, suits for, sec. 83, cl. 5.
„ limitation of suits for, sec. 107.
Particulars of lease, sec. 7.
Parties to suits to contest demand of arrears, sec. 77.
„ between landlord and under-proprietor or tenant, sec. 111.
Pattídár, suits by, for arrears of revenue or rent, sec. 83, para. 16.
„ powers exercisable only by, sec. 101.
„ pattídárí estates, sharer in, to exercise powers only through lumberdár or pattídár, sec. 101.
Patwáris, suits by landlord against, sec. 83, para. 5.

See *Surety.*

Payment of money deposited in court without suit, sec. 15.
„ of rent in kind, secs. 7, 28.
„ of purchase-money of property distrained, sec. 67.
„ into court in suits, sec. 114.
Perishable property, application for sale of, sec. 57.
„ „ immediate sale of distrained, sec. 60.
Plaint, additional particulars to be specified in, sec. 110.
Possession, recovery of, after illegal dispossession, sec. 102.
Postponement of ejectment of tenant, secs. 11, 38.
„ of sale of distrained property, sec. 65.
Power of attorney to distrain, secs. 49, 50.
Powers exercisable only by manager, lumberdár or pattídár, sec. 101.
Pre-emption, sharer in under-proprietary tenure and proprietor may claim right of, sec. 128.
Price, postponement of sale in absence of offer of fair, sec. 65.
Principal employing agent to distrain, liability of, secs. 49, 50.
Proclamation fixing day for sale of distrained property, sec. 59.
„ contents of, *ib.*
„ second, sec. 71.
'Produce,' ungathered, included in 'land,' sec. 3.
„ proportion of, and time, manner and place of delivering, sec. 7.
„ remission of rent in case of diminished, sec. 20.
„ suits regarding division, estimate or appraisement of, sec. 83, para. 14.

See *Award.*

Profits, see *Sharer.*
Proof of arrear in suits to contest distrainer's demand, sec. 72.
Proportion, see *Produce.*
'Proprietary right' defined, sec. 3.
„ tenants who have lost, when to have right of occupancy, sec. 5.
'Proprietor' defined, sec. 3.
„ right of tenant who has been in possession as sec. 5.
„ rent payable to, when due, sec. 12.
„ may claim right of pre-emption, sec. 128.
Prosecution for illegally enforcing payment of rent, sec. 18.
Publication of proclamations of sale, secs. 59, 71.
Purchase, not by officer selling distrained property, sec. 68.

See *Pre-emption, Sale.*

Quantity of land, lease to specify, sec. 7.
Rate of rent of tenant with right of occupancy, sec. 8.
„ payable by tenant without right of occupancy, sec. 35.

See *Enhancement.*

Re-assessment of revenue, enhancement on, sec. 34.
Receipts for rent, contents of, sec. 13.
„ compensation for withholding, *ib.*
„ for deposit, in court, of revenue or rent, sec. 15.
„ for arrear and expenses of distress, sec. 56.
„ suits for refusal of, sec. 83, para. 9.
Reclamation of waste lands an 'improvement,' sec. 23, cl. 1.
Recognized agent of landlord, sec. 21.
Re-enhancement, suits for, secs. 33, 34.
Refusal to specify year for which rent has been paid or tendered, sec. 13.
„ to receive notice of desire to relinquish land, sec. 21.
„ of receipts, sec. 83, para. 9.
„ by defendant to grant lease or counterpart, sec. 123.
Registration of incumbrances created by under-proprietors, sec. 126.
Release of property from distress, sec. 62.
„ „ distrained on security being given for its value, sec. 75.
Relinquishment of land by tenant, sec. 21.
Remission of revenue, secs. 19, 20.
„ of rent, when court may allow, sec. 20.
Removal of distrained property, procedure in case of forcible or clandestine, sec. 81.
'Rent' defined, sec. 3.
„ effect of payment of, by tenants who have lost proprietary right, sec. 5.

Rent, amount of, to be mentioned in leases, sec. 7.
„ rate of, in case of tenant with right of occupancy, sec. 8.
„ payable by tenant whose ejectment is postponed, sec. 10.
„ payable to proprietor, when it falls due, sec. 12.
„ receipts for, sec. 13.
„ acknowledgments of tender, *ib.*
„ deposit in court, without suit of, sec. 14.
„ limitation of suits for balance of, sec. 16.
„ compensation for non-acceptance of, sec. 17.
„ illegal enforcement of payment of, sec. 18.
„ suit for abatement of, secs. 19, 83, para. 12.
„ remission of, sec. 20.
„ in kind, commutation of, sec. 28.
„ enhancement of, sec. 32.
„ suit for re-enhancement of, sec. 33.
„ enhancement of, on re-assessment of revenue, sec. 34.
„ of tenant not having a right of occupancy, sec. 35.
„ agreement to alter, sec. 36.
„ ejectment for arrears of, sec. 40.
„ distress for arrears of, sec. 47.
„ security for payment of, *ib.*
„ suit for illegal enforcement of payment of, or of sum in excess of, sec. 83, para. 9.
„ suit for refusing receipt or acknowledgment for, sec. 83, para. 10.
„ suit by lumberdár or pattídár for arrears of, sec. 83, para. 16.
„ third person claiming, to be made party to suit between landlord and under-proprietor or tenant, sec. 111.
„ set-off in suit for arrear of, sec. 113.
„ proprietor's lien for, sec. 127.
„ agreement to waive claim for, *ib.*

See *Arrear, Decree, Irrigation, Lumberdár, Muáfidár, Rate of Rent, Refusal, Year.*

Repeal of inconsistent laws, rules, and orders, sec. 2.
'Representative' defined, sec. 3.
„ of tenant, service of notice of ejectment on, sec. 22.
„ suit against, to eject or enhance rent, *ib.*
„ entitled to compensation for improvements, *ib.*
„ of landlord, his option as to compensation, sec. 24.
Resistance to distress, procedure in case of, sec 81.
'Revenue' defined, sec. 3.
„ deposited in court without suit, sec. 14.
„ enhancement on re-assessment of, sec. 34.

See *Arrear.*

Review, not of order as to recovery of possession of land, sec. 102.
Right of occupancy, tenants having, sec. 5.
„ heritable, but not transferable, *ib.*
„ not where tenant or co-sharer possesses any under-proprietary right, *ib.*
„ lost by ejectment, sec. 6.
„ a defence to suit for ejectment, sec. 37.
„ suit for establishing, sec. 83, para. 6.
Rules repealed, sec. 2.
„ as to right of occupancy, sec. 5.
„ as to commutation of rents, sec. 29.
Sale of distrained property suspended on institution of suit, sec. 60.
„ of perishable property, *ib.*
„ of property distrained, sec. 63.
„ „ time of, *ib.*
„ „ place and manner of, sec. 64.
„ postponement of, sec. 65.
„ payment of purchase-money on, sec. 66.
„ disposal of proceeds of, sec. 67.
„ expenses of, *ib.*
Sale, officer holding, not to purchase, sec. 68.
„ where, on suit, arrears are adjudged to be due, sec. 71.
„ falsely purporting to be under Act, sec. 80.

See *Officer, Proclamation, Purchase, Surplus, Suspension, Under-proprietary right.*

Sanction, see *Governor General in Council.*
Security for payment of rent, non-distress of produce in case of, sec. 47.
„ for costs of suit to contest distrainer's demand, sec. 62.
„ for value of property released from distress, sec. 75.
„ for person of party resisting distress, or removing distrained property, sec. 81.
Service of notice of deposit of rent or revenue in court, sec. 15.
„ of notice of desire to relinquish land, sec. 21.
„ of notice of ejectment, secs. 22, 43.
„ of demand of arrear, and of account, sec. 52.
„ of list of property to be distrained, sec. 53.
„ of notice on person whose property has been distrained, secs. 58, 59.
Set-off in suit for arrear of rent, sec. 113.
Settlement officers may commute rents in kind, sec. 28.
„ may be invested with powers of collector, &c., sec. 87, see *Appeal.*
Sharer, suits for profits of estate by, sec. 83, para. 15.
„ to exercise powers under Act, only through manager or lumberdár, sec. 101.
„ may claim right of pre-emption, sec. 128.

See *Co-sharer.*

Short title, sec. 1.
Stamp on application on making deposit of rent or revenue, sec. 15.
on application in case of difference as to compensation for improvements, sec. 25.
on application for officer to make division, estimate or appraisement of produce taken for rent, sec. 30.
Standing crops, see *Crops.*
Sub-lessor, time of ejectment of, sec. 39.
„ ejectment of, sec. 40.
Sub-settlement, abatement to under-proprietor holding, sec. 19.
„ remission to under-proprietor holding, sec. 20.
'Suit' defined, sec. 3.
„ to eject or enhance rent of improving tenant, sec. 22.
„ to set aside award of officer deputed to make appraisement, sec. 31.
„ by tenant without right of occupancy, to contest liability to be ejected, secs. 43, 44.
„ „ „ for illegal ejectment, sec. 45.
„ „ „ for lease, sec. 116.
„ to contest distrainer's demand, sec. 63.
„ by third party claiming property distrained, sec. 74.
„ to contest demand for rent, party to, sec. 77.
„ cognizable in courts of revenue, sec. 83.
„ by or against managing agents or tahsíldárs of khám estates, sec. 100.
„ by sharer, sec. 83, para. 15, sec. 101.
„ for possession of land, sec. 102.
„ summons to defendant in, sec. 112.
„ payment into court in, sec. 114.
„ for counterpart against tenant without right of occupancy, sec. 116.

See Accounts, Agents, Arrear, Certificate, Compensation, Decree, Limitation, Parties, Payment, Plaint, Receipts, Set-off, Summons, Surety, Transfer, Under-proprietor, Village-expenses.

Summary settlement of 1858-59, sec. 109.

Summons to defendant to be for final disposal, sec. 112.
Surety, execution of decree in suit to contest distrainer's demand against person and property of, sec. 72.
" of patwárí or agent, suit by landlord against, sec. 83, para. 5.
Surplus of proceeds of sale of distrained property, sec. 67.
Survey and measurement of lands, sec. 27.
Suspension of sale of distrained property, sec. 60.
Tahsíldárs, application to, sec. 21.
" of khám estates, distresses by, sec. 49.
" " suits by or against, sec. 100.
" may be invested with powers of assistant commissioner, sec. 85.
Tenancy of tenant without right of occupancy, cessation of, sec. 44.
'Tenant' defined, sec. 3.
" when he has a right of occupancy, sec. 5.
" loses right of occupancy by ejectment, sec. 6.
" entitled to a lease executed by his landlord, sec. 7.
" his rent, when he has a right of occupancy, sec. 8.
" terms of his lease, when he has not a right of occupancy, sec. 9.
" to execute counterpart, sec 10.
" when liable to pay rent, though lease cancelled, sec. 11.
" without right of occupancy infringing the terms of his lease, *ib.*
" may recover compensation for withholding receipt or acknowledgment, sec. 13.
" having right of occupancy, or
" holding under an unexpired lease, or
" holding under an agreement, or
" holding under decree, may deposit revenue or rent in court without suit, sec. 14.
" when he may sue for abatement of rent, sec. 19.
" remission from rent payable by, sec. 20.
" relinquishment of land by, sec. 21.
" his right to compensation for improvements, sec. 22.
" with right of occupancy, enhancement of rent of, sec. 32.
" time of ejectment of, sec. 40.
" with right of occupancy, ejectment of, sec. 41.
" without right of occupancy, ejectment of, secs. 42, 43.
" suit by, to contest his liability to ejectment, sec. 44.
" may sue for illegal ejectment, sec. 45.
" to be compensated for growing crops, sec. 46.
" suits by, sec. 83, paras. 6 to 13.

See *Compensation, Distraint, Ejectment, Landlord, Lease, Rent, Representative, Security, Suit.*

Tender of rent, acknowledgment of, sec. 13.
" of lease for twenty years to bar right to compensation for improvements, sec. 26.
" of arrear and expenses of distress, sec. 56.
Term to be mentioned in lease, sec. 7.
Time of ejectment of tenant not a sub-lessor, sec. 38.
" " sub-lessor, sec. 39.
Time of sale of distrained property, sec. 59.

See *Limitation.*

Transfer of suits and appeals, secs. 97, 98.
'Under-proprietary right' defined, sec. 3.
" tenant not to have right of occupancy, where he or co-sharer possesses, an, sec. 5.
" saleable in execution of decree for arrears of rent, sec. 125.
'Under-proprietor' defined, sec. 3.
" rent payable by, when due, sec. 12.
" may recover compensation from landlord, withholding receipt or acknowledgment, sec. 13.
" may pay into court, without suit brought, amount of rent due, sec. 14.
" entitled to compensation for illegal enforcement of payment, sec. 18.
" when he may sue for abatement of rent sec. 19.
" remission from rent payable by, sec. 20.
" suits by, sec. 83, paras. 6 to 13.
" incumbrance created by, secs. 126, 127.
Unsatisfied decree for arrears of rent, sec. 41.
Value of compensation for improvements, sec. 25.
" of distress, sec. 53.
Verification of declaration on deposit, in court, of revenue or rent, sec. 15.
Village-expenses, suits by lumberdárs for, sec. 83, para. 16.
Waste land, reclamation and clearing of, an 'improvement,' sec. 23.
Water, works for storage of, an 'improvement,' sec. 23, cl. 1.

See *Irrigation.*

Wells, construction of, an 'improvement,' sec. 23, cl. 1.
Withdrawal of distress on tender of arrear and expenses, sec. 56.
" on execution of bond, sec. 62.
" of distress where demand satisfied by partial sale, sec. 64.
of suits and appeals in subordinate courts, sec. 97.
Withholding receipt of acknowledgment, secs. 13, 17.
Written agreement, terms of, saved, secs. 4, 5, 32.
" that rent shall be altered, sec. 36.
" to pay sum in excess of rent, sec. 48.
" for delivery of lease, or counterpart, sec. 116.
Written application for sale of crops distrained, secs. 57, 58.
Written authority to make distress, secs. 49, 50.
Written demand of arrear, sec. 52.
Written evidence, see *Evidence.*
Year for which rent is paid or tendered, to be specified in receipts and acknowledgments, sec. 13.

Office Supdt. Govt. Printing.—No. 5113 L. C.—19-8-68.—3,100.

ACT No. XX OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 13*th August* 1868).

An Act to give validity to the levy of certain Duties in Lucknow.

Preamble

WHEREAS under the authority given by Act No. XVIII of 1864 *(to provide for the appointment of a Municipal Committee in the City of Lucknow)*, section thirteen, the Chief Commissioner of Oudh declared that duties on certain things and at certain rates should, "for the year 1865-66," be levied in respect of such things when brought into Lucknow for consumption or use therein, and such declaration was, on the ninth day of May 1865, sanctioned by the Governor General of India in Council. And whereas doubts have arisen as to whether such declaration and sanction remained in force down to the twenty-seventh day of July 1868, and it is expedient to remove such doubts, and to indemnify the officers and farmers who have acted under the said declaration and sanction and the said Chief Commissioner's rules from time to time in force as to the mode of levying and collecting the said duties ; It is hereby enacted as follows :—

Validation of declaration, sanction and rules from 9th May 1865 till 27th July 1868

1. The said declaration and sanction shall be deemed to have been in force from the ninth day of May 1865 to the twenty-seventh day of July 1868, and the said rules from time to time in force shall be deemed to have been valid under the said section.

Indemnification of officers

2. Every officer and farmer is hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force ; and no suit or other proceeding shall be maintained against any such officer or farmer in respect of anything so done.

PRICE TWO ANNAS.

Office Supdt Govt Printing —No 5032 L C —21 9 69 —1 200

ACT No. XXI OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 10*th September* 1868.)

An Act to appoint a Receiver of the property of the late Nawáb of the Carnatic.

Preamble.

WHEREAS certain property belonging to the estate of the late Nawáb of the Carnatic has lately been discovered both in the District of Madras and in the territories of His Highness the Nizám, and it is expedient to appoint a Receiver to collect and administer such property and any other property belonging to the said estate which may hereafter be discovered, or has not hitherto been administered; It is hereby enacted as follows :—

Appointment of Receiver of Carnatic property.

1. The Governor of Fort St. George in Council shall appoint such person as he may think fit to act under the orders of the High Court of Judicature at Madras in the administration of the property left by the late Nawáb of the Carnatic, and not hitherto collected or administered.

The person so appointed shall have power to collect and take possession of all such property: he shall deal with the same according to the provisions herein contained: he shall give such security (if any) for the due execution of his office as the said Governor in Council may require; and he shall be called "the Receiver of the Carnatic property."

Remuneration of Receiver.

2. The Receiver of the Carnatic property shall be entitled to such commission not exceeding five per centum upon the amount or value of the property collected and distributed under the provisions of this Act as the said Governor in Council shall prescribe. Such commission shall be charged to the estate of the said Nawáb.

PRICE TWO ANNAS.

3. The

3. The said Governor in Council may suspend or remove any person appointed such Receiver as aforesaid, and may also from time to time fill up any vacancy in such office occasioned by death, resignation, suspension or removal.

Suspension or removal of Receiver.

4. The Receiver shall represent the estate of the said Nawáb in all proceedings relating thereto: he shall do all acts in performance of his duties by his name of office; and in all legal proceedings he shall be designated by such name.

Receiver to represent Nawáb's estate in all proceedings.

No proceedings to which the Receiver may be a party shall abate by reason of the death, resignation, suspension or removal from office of any such Receiver, but the same shall be continued by his successor as if no such death, resignation, suspension or removal had occurred.

5. The Receiver shall have power to collect and take possession of all property, moveable or immoveable, and whether of the nature of State or public property or not, to which the said Nawáb at the time of his death was entitled, and if necessary to sue for and recover the same property, and to realize its value by sale or otherwise.

Receiver to collect Nawáb's property.

6. Whenever the said Receiver by the order or with the sanction of the said High Court sells any of the said immoveable property, he shall execute a conveyance thereof to the purchaser.

Conveyance on sale by Receiver of immoveable property.

Every such conveyance shall be valid as against the heirs of the said Nawáb, and all persons claiming under them, and also against all persons claiming under the said Nawáb by virtue of any conveyance or instrument declared by the said Court or by the late Supreme Court of Judicature at Madras, to be void as against the creditors of the said Nawáb, or by virtue of any security the benefit of which was barred under the provisions of Act No. XXX of 1858 *(to provide for the administration of the estate and for the payment of the debts of the late Nawáb of the Carnatic)*.

7. Upon any suit being instituted for the administration of the said estate, the said Receiver shall be deemed subject to the orders of the said High Court, and, so far as such orders shall not extend, to the general practice of such Court in the same

In case of suit for administration, Receiver to be subject to orders of High Court.

same manner as any other Receiver specially appointed thereby, except that the Court shall not require him to give security.

Commencement of Act.

8. This Act shall be deemed to have come into operation on the second day of April 1868, and any person holding the office of Receiver of the Carnatic property immediately before that day shall be deemed to have been appointed on that day under this Act.

Office Supdt. Govt. Printing.—No. 6547 L. C.—19-9-68.—2,500.

ACT No. XXII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 10*th September* 1868).

An Act to bring the Mauza Kheria, in the District of Agra, under the operation of the general Regulations.

It is hereby enacted as follows:—

Extension to Mauza Kheria of Acts and Regulations in force in District of Agra

1. The Mauza Kheria shall be deemed to be annexed to the District of Agra, and the laws and regulations established for the internal administration of the said District, shall have full force and effect in the said Mauza; and the administration of civil and criminal justice, and the superintendence of the settlement and realization of the public revenue, and of all matters relating to rent in the said Mauza, are hereby vested in the officers for the time being appointed by the Lieutenant Governor of the North-Western Provinces for the said District of Agra.

Commencement of Act.

2. This Act shall be deemed to have come into operation on the twenty-sixth day of July 1866.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing —No. 6551—3-10 68 —2,506.

ACT No. XXIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the 24th September* 1868).

An Act to give validity to certain Abkári Rules in British Burma.

Preamble.

WHEREAS Rules for the sale in British Burma of wine, beer, spirituous and fermented liquors and intoxicating drugs, have, from time to time, been made and published under the authority of the Chief Commissioner of British Burma, and it is expedient to give such Rules, as last published under the authority aforesaid, the force of law, and to indemnify all officers, farmers and other persons who have acted under them, or under any such Rules previously published or enforced under the same authority; It is hereby enacted as follows :—

Validation of Abkári Rules published in *British Burma Gazette* of 29th February 1868.

1. The Rules for the sale of wine, beer, spirituous and fermented liquors, and intoxicating drugs in British Burma, published in the number of the *British Burma Gazette* dated the twenty-ninth day of February 1868, shall, from the thirty-first day of March 1868 down to the passing of this Act, be deemed to have had the force of law, and shall continue in force until the Governor General of India in Council by notification in the *Gazette of India* shall otherwise order.

Validation of previous Rules.

2. All other such Rules from time to time published or enforced by or by order of the Chief Commissioner of British Burma on or before the said thirty-first day of March 1868, shall be deemed to have had the force of law.

Indemnification of officers and farmers.

3. All officers, farmers and other persons are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer, farmer or other person in respect of anything so done.

PRICE TWO ANNAS.

Office Supdt. of Govt. Printing No. 6777 L. C.—5-10-98—2,500.

ACT No. XXIV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 1*st October* 1868).

An Act to prohibit the practice of inoculation in Kumaon and Garhwál.

Preamble.

WHEREAS it is expedient to prohibit the practice of inoculation with the small-pox in the districts of Kumaon and Garhwál; It is hereby enacted as follows :—

Penalty for inoculating.

1. Whoever produces or attempts to produce in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding three months, or to fine not exceeding two hundred rupees, or to both.

Penalty on inoculated person entering place to which Act extends.

2. If any person having been inoculated with the small-pox in a place to which this Act does not extend, shall afterwards enter any place to which this Act extends, before the date of forty days from the date of such inoculation, or without a certificate from a qualified Medical Officer that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

Reward to informer.

3. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half of such fine to the person on whose information the offender has been convicted.

Extent of Act.

4. This Act extends only to the districts of Kumaon and Garhwál.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 6341 L. O.—8-10-68.—2,600.

ACT No. XXV OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 8th October 1868).

An Act to define the jurisdiction of the Courts in Coorg.

Preamble.

WHEREAS it is expedient to define the jurisdiction of the Civil an Criminal Courts in the Province of Coorg; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Coorg Courts' Act."

Commencement of Act.

This section and section twenty-five shall take effect at once, and the rest of this Act shall come into operation on the first day of December 1868.

Grades of Courts in Coorg.

2. There shall be six grades of Civil Courts in the Province of Coorg, which shall be in addition to any Courts of Small Causes and to any other Courts established under any Act hereafter passed by the Governor General of India in Council (that is to say),—

(1).—The Court of the Súbahdár of the second class:
(2).—The Court of the Súbahdár of the first class:
(3).—The Court of the Assistant Superintendent of the second class:
(4).—The Court of the Assistant Superintendent of the first class:
(5).—The Court of the Superintendent; and
(6).—The Court of the Judicial Commissioner.

The Criminal Courts in the said Province shall be those referred to in the Code of Criminal Procedure.

Civil Jurisdiction.

Power to declare grades of Súbahdárs and Assistant Superintendents.

3. Subject to any orders that may from time to time be issued by the Governor General of India in Council, the Commissioner of Coorg shall have power to declare to which of the said grades any Súbahdár and any Assistant Superintendent shall belong.

4. The

PRICE TWO ANNAS.

Power to invest Párbatiyagár and Náib Súbahdárs with jurisdiction up to rupees fifty.

4. The Commissioner may invest any Párbatiyagár and any Náib Súbahdár with power to try and determine suits for money due whether on bond or other contract or for rent, or for moveable property, or for the value of such property, or for damages, when the debt, damage or demand does not exceed in amount or value the sum of rupees fifty, and to prescribe the local limits within which the Párbatiyagár or Náib Súbahdár so invested shall exercise such power.

Jurisdiction of Súbahdár of second class.

5. The Court of the Súbahdár of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one hundred in value or amount.

Jurisdiction of Súbahdár of first class.

6. The Court of the Súbahdár of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three hundred in value or amount.

Jurisdiction of Assistant Superintendent of second class.

7. The Court of the Assistant Superintendent of the second class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees one thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Assistant Superintendent of first class.

8. The Court of the Assistant Superintendent of the first class shall have power to try and determine suits of every description in which the subject-matter does not exceed rupees three thousand in value or amount, and, subject to the provisions and limitations hereinafter prescribed, to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the rules of procedure for the time being in force in Coorg) from the orders of the Courts of the Súbahdárs of the first and second classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

9. The

Jurisdiction of Superintendent.

9. The Court of the Superintendent shall have power to try and determine suits of every description and of any amount, and to hear and determine appeals from the original decisions in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Courts of Súbahdárs and Assistant Superintendents of both classes respectively, and of Párbatiyagárs or Náib Súbahdárs invested as aforesaid.

Jurisdiction of Judicial Commissioner.

10. The Court of the Judicial Commissioner shall have power to hear and determine appeals from the original decisions of the Superintendent in suits, and (where an appeal is allowed by the said rules of procedure) from the orders of the Superintendent, and also special appeals from the decisions passed by the Superintendent or by an Assistant Superintendent of either grade on regular appeal:

Provided that such special appeals shall lie on the ground of the decision being contrary to some law or usage having the force of law, or of a substantial error or defect in law in the procedure or investigation of the case, which may have produced error or defect in the decision of the case upon the merits, and on no other grounds:

Provided also that no special appeal shall lie from any decision or order passed on regular appeal after the passing of this Act, in any suit of the nature cognizable in a Court of Small Causes under Act No. XI of 1865, section six, when the debt, damage or demand for which the original suit is instituted does not exceed three hundred rupees; but every such order or decision shall be final.

Time for presenting appeals.

11. The memorandum of appeal prepared in the form and containing the particulars mentioned in the Code of Civil Procedure shall be presented in the Court empowered to hear an appeal within the period hereinafter specified unless the appellant shows sufficient cause to the satisfaction of such Court for not having presented the memorandum of appeal within such period, that is to say, thirty days if the appeal lie to the Assistant Superintendents or Superintendent, and ninety days if the appeal lie to the Judicial Commissioner.

The said period shall be reckoned from and exclusive of the day on which the decision or order appealed against was passed, and also exclusive of such time

time as may be requisite for obtaining a copy of the decree or order from which the appeal is made.

Special appeals shall be presented in the Court of the Judicial Commissioner within the period hereinbefore fixed for appeals.

Extraordinary original jurisdiction of Judicial Commissioner.

12. The Court of the Judicial Commissioner shall have power to remove and to try and determine as a Court of extraordinary original jurisdiction, any suit within the jurisdiction of any Court in the said Province when he thinks proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of his Court.

Judicial Commissioner to superintend and to frame rules of practice for subordinate Courts.

13. The Judicial Commissioner shall have superintendence over all Courts in the said Province, and shall have power to call for returns, and to make and issue general rules for regulating the practice and proceedings of such Courts, and also to prescribe forms for every proceeding in the said Courts for which he thinks necessary that a form be provided, and also for keeping all books, entries and accounts to be kept by the officers, and also settle tables of fees to be allowed to the attorneys, vakíls, and all clerks and officers of such Courts, and from time to time to alter any such rule, form or table.

The rules, forms, and tables so made, framed and settled, shall be used and observed in the said Courts: Provided that such rules, forms and tables be not inconsistent with the provisions of any law in force for the time being, and shall before they are issued have received the sanction of the Commissioner.

Governor General in Council may confer powers of Superintendent or Assistant Superintendent.

14. Whenever the state of the public business requires it, the Governor General of India in Council may invest any person with the powers of a Superintendent or Assistant Superintendent in any part of the Province of Coorg.

Court in which suit shall be instituted.

15. Every suit shall be instituted in the Court of the lowest grade competent to try it: Provided that no suit cognizable by a Court of Small Causes which may hereafter be established, shall be heard and determined in any other Court having any jurisdiction within the local limits of the jurisdiction of such Court of Small Causes.

16. Except

16. Except when otherwise provided in any law for the time being in force, an appeal shall lie from the decisions of the Courts of original jurisdiction to the Courts authorized by this Act to hear appeals from the decisions of those Courts.

Appeal to lie from all decisions, except when expressly prohibited.

17. The Superintendent may direct the business in the Courts subordinate to him, whether or not they have their sittings in the same place, to be distributed among such Courts in such way as he thinks fit: Provided that no Court shall try any suit in which the amount or value of the claim shall exceed its proper jurisdiction.

Distribution of business among subordinate Courts.

18. The Superintendent shall from time to time, with the concurrence and approval of the Commissioner, prescribe to each of the Appellate Courts subordinate to him such local limits within which they shall respectively exercise their appellate jurisdiction.

Local limits within which Appellate Courts shall exercise appellate jurisdiction.

19. The Superintendent may, on the petition of either party, or in the absence of such petition, withdraw any suit instituted in any Court subordinate to him, and try such suit himself or refer it for trial to any other such subordinate Court, and competent in respect of the value or amount of the suit to try the same.

Transfer of suits from subordinate Court to that of the Superintendent or Assistant.

The Superintendent may also withdraw any appeal instituted in the Court of any Assistant Superintendent subordinate to him, and try the appeal himself or refer it for trial to the Court of any other Assistant Superintendent in his province.

20. The Judicial Commissioner may order that the cognizance of any suit or appeal instituted in any Court subordinate to his Court, not being a Court of Small Causes, shall be transferred to his own Court or to any other such subordinate Court competent in respect of the value or amount of the subject-matter of the suit or appeal to try the same.

Transfer of suits from one subordinate Court to another.

Criminal Jurisdiction.

21. For purposes of criminal jurisdiction, the Superintendent of Coorg shall be taken to be the chief officer charged with the executive administration of a district in criminal matters.

Superintendent to be chief officer charged with executive administration of district in criminal matters.

22. The

22. The Governor General of India in Council may from time to time appoint any subject of Her Majesty to be Session Judge of Coorg, and may also from time to time suspend or remove any person so appointed.

Power to appoint Session Judge of Coorg.

The Session Judge shall, as often as may be necessary for the trial of offenders, hold sessions in the said Province: Provided that he and the Judicial Commissioner respectively may hear and determine appeals beyond the limits of the same Province.

23. Appeals from sentences and orders passed by the Superintendent or by any officer subordinate to him exercising full powers of a Magistrate, from which an appeal is allowed under the Code of Criminal Procedure, shall lie to the Judicial Commissioner, and shall be heard and determined by him :

Appeals from sentences of Superintendent and other officers vested with full powers.

Provided that nothing herein contained shall be deemed to prevent the Judicial Commissioner from exercising under the said Code all or any of the powers of the High Court vested in him.

24. All sentences and orders heretofore passed by the Superintendent of Ashtagram in his capacity of Session Judge of Coorg shall be deemed to be as valid as if this Act had then been passed, and he had been appointed, under section twenty-two, Session Judge of Coorg.

Confirmation of sentences passed by Superintendent of Ashtagram.

25. The Code of Criminal Procedure shall extend to the said Province, and shall be deemed to have been in force therein from the ninth day of December 1862.

Extension of Code of Criminal Procedure.

Office Supdt. Govt. Printing.—No. 6973 L. C.—21-10-68.—2,700

ACT No. XXVI of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 15*th October* 1868).

An Act to enable Municipalities to provide for Lock-Hospitals.

Preamble.

WHEREAS it is expedient to enable all Municipalities in British India to provide out of the municipal funds for the maintenance of Lock-Hospitals and generally for the prevention of contagious venereal disease; It is hereby enacted as follows:—

Power to Municipal Committees to devote funds to maintaining Lock-Hospitals, &c.

1. Notwithstanding anything contained in any Act of the Governor General of India in Council, of the Governor of Madras in Council, of the Governor of Bombay in Council, of the Lieutenant Governor of Bengal in Council, or in any other law for the time being in force,

it shall be lawful for every Municipal Corporation, Municipal Committee, or other body of persons duly appointed to conduct the affairs of a municipality in British India to pay, with the previous sanction of the Local Government, out of the funds at their disposal

towards the maintenance of the hospital provided under section twelve of Act No. XIV of 1868 (*for the prevention of certain contagious diseases*) within the limits of the place for which they are so appointed

and towards defraying the cost of the medical treatment, lodging, clothing and food of the women detained in such hospital, and of the allowance provided under section nineteen of the same Act for the subsistence of prostitutes residing within the limits aforesaid,

such part as may from time to time be agreed on by and between the Corporation, Committee or Body and the Local Government of the total cost of the said maintenance, treatment, lodging, clothing, food and allowance as annually estimated by such Government.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 7169 L. C. —23-10-68.—3,000.

ACT No. XXVII of 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(*Received the assent of the Governor General on the* 21*st October* 1868).

An Act to exempt certain Instruments from the Indian Registration Act, 1866.

Preamble.

WHEREAS it is expedient to exempt expressly from compulsory registration under the Indian Registration Act, 1866, certain documents heretofore or hereafter executed by or in favour of Government; It is hereby enacted as follows:—

Scheduled documents exempted from Act XX of 1866.

1. Nothing contained in the said Act shall be deemed to require, or to have at any time required, the registration of any of the documents or maps comprised in the schedule hereto annexed.

But all such documents and maps shall, for the purposes of sections forty-eight and forty-nine of the same Act, be deemed to have been and to be registered in accordance with its provisions.

Inspection and copies of scheduled documents.

2. Subject to such rules and the previous payment of such fees as the Local Government may from time to time prescribe in this behalf, all documents and maps specified in the first, second, and third clauses of the said schedule shall be open to the inspection of any person applying to inspect the same, and, subject as aforesaid, copies of such documents shall be given to all persons applying for such copies.

Copies of sanads to be filed by Registrar.

3. A copy of every document mentioned in the fourth clause of the said schedule and executed on or after the first day of May 1866, shall, in the case of every such document heretofore executed, as soon as may be after the passing of this Act, and in the case of every such document hereafter executed, as soon as may be after its execution, be sent by the Local Government to the Registrar or to every Registrar within whose district

PRICE TWO ANNAS.

district the whole or any part of the immoveable property comprised in such document is situate, and shall be filed by him in his Book 1.

This Act to be read with Act XX of 1866.

4. This Act shall be read with and taken as part of Act No. XX of 1866.

SCHEDULE.

(1). Documents issued, received, or attested by any officer engaged in making a settlement or revision of settlement of land revenue, and which form part of the records of such settlement.

(2). Documents and maps issued, received, or authenticated by any officer engaged on behalf of Government in making or revising the survey of any land, other than waste land, and which form part of the record of such survey.

(3). Documents which, under any law for the time being in force, are filed annually by patwáris or other officers charged with the preparation of village records.

(4). Sanads, inám title-deeds, and other documents purporting to be or to evidence grants or assignments by Government of land or of any interest in land, in reward for special services.

Office Supdt. Govt. Printing,—No. 7314 L. C. 29-10-08.—3,000.

PANJÁB TENANCY ACT.

CONTENTS.

Preamble.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title.
   Extent of Act.
2. Saving of decrees and of agreements between landlords and tenants.
3. Interpretation-clause.
4. Repeal of Book Circular No. 33 of 1860.

CHAPTER II.

OF RIGHTS OF OCCUPANCY.

5. Tenants having right of occupancy.
6. Presumption arising from entry in settlement record.
   Rebuttal of presumption.
7. Right of occupancy in land taken in exchange.
8. Suits to establish rights of occupancy on other grounds.
9. Non-acquisition of right of occupancy by lapse of time.

CHAPTER III.

OF RENT.

1.—*Enhancement.*

10. Decree for enhancement of rent.
11. Grounds of enhancement.
12. Enhancement when tenant pays revenue or cesses.
13. Suit for re-enhancement.

2.—*Abatement.*

14. Grounds of right to abatement.

3.—*Remission.*

15. When Court may allow remission from rent.

PRICE THREE ANNAS.

4.—*Rent in Kind.*

16. Commutation of rent in kind.
17. Division and appraisement of produce taken for rent.
18. Procedure in case of dispute.

CHAPTER IV.

Of Ejectment.

19. Ejectment of tenant with right of occupancy.
20. Ejectment of tenant without right of occupancy.
21. Time of ejectment.

Notice of Ejectment.

22. Notice of ejectment.
23. Service of notice.
24. Power to alter dates for suing to dispute, and for serving notice of, ejectment.
25. Cessation of tenancy on failure to contest notice.

Assistance to eject.

26. When assistance to eject may be given by Court.

Growing crops.

27. Compensation to ejected tenant for growing crops.

CHAPTER V.

Of Relinquishment, Leases and Under-leases, Alienation and Succession.

1.—*Relinquishment.*

28. Relinquishment of land by tenant.
29. Power to fix commencement of agricultural year for purposes of section 28.
30. Discharge of tenant.
31. Refusal to receive notice.

2.—*Leases and Under-leases.*

32. Right to let or under-let.
    Saving of agreements not to let or sub-let.
33. Liability of lessee and under-lessee.

3.—*Alienation.*

34. Right of tenant to alienate.
    Landlord's right of pre-emption.
35. Rights and liabilities of tenant's alienee.

4.—Succession.

36. Succession to right of occupancy.

CHAPTER VI.

Of Compensation for Tenants' Improvements.

37. Tenant's right to compensation for improvements.
38. "Improvements" defined.
39. Compensation how made.
40. Provision for difference as to amount or value of compensation.
41. Tender of lease for twenty years to bar right to claim compensation.

CHAPTER VII.

Of Procedure.

42. Civil Courts to hear cases under certain sections.
Applications under certain sections to be proceedings on Revenue side.
43. Stamp on certain plaints.
44. Saving of procedure for recovery of rent.
45. Confirmation of proceedings of settlement officers.

ACT No. XXVIII OF 1868.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 21st October 1868).

An Act to define and amend the law relating to the tenancy of land in the Panjáb.

Preamble.

WHEREAS it is expedient to define and amend the law relating to certain matters connected with the tenancy of land in the Panjáb; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title. Extent of Act.

1. This Act may be called "The Panjáb Tenancy Act, 1868," and shall extend only to the territories for the time being under the government of the Lieutenant Governor of the Panjáb.

Saving of decrees and of agreements between landlords and tenants.

2. Nothing contained in this Act shall affect the operation of any decree of Court under which a tenant holds or of any agreement between a landlord and a tenant, when such agreement is in writing or recorded by the proper officer in the record of a regular settlement sanctioned by the Local Government.

All entries in such record in respect of matters comprised in chapters III, IV, V and VI of this Act shall, when attested by the proper officer, be deemed to be agreements within the meaning of this section.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context—

"Land."

"Land" means immoveable property for the time being subject to a settlement, whether regular or summary, of land-revenue;

"Rent"

Vide Act XXIII of 1871

"Rent."

"Rent" means whatever is payable by an occupant of land on account of the use or occupation thereof;

"Arrear of rent."

Any instalment of rent which is not paid on or before the day when the same becomes due, whether under a written agreement or according to law or local usage, shall be deemed to be, for the purposes of this Act, an arrear of rent;

"Tenant."

"Tenant" means any occupant of land liable to pay rent therefor, but does not include an under-proprietor;

"Landlord."

"Landlord" means any person entitled to receive rent payable by a tenant;

"Grand-father," "uncle," and "grand-uncle."

"Grand-father" includes the father of an adoptive father, "uncle" the brother of an adoptive father, and "grand-uncle" the adoptive father of an uncle;

"Representative."

"Representative" means an heir or any other person taking by operation of law or by will a beneficial interest in the property of a deceased person.

Repeal of Book Circular No. 33 of 1860.

4. The Book Circular of the Financial Commissioner of the Panjáb, No. 33 of 1860, is hereby repealed.

CHAPTER II.

OF RIGHTS OF OCCUPANCY.

Tenants having right of occupancy.

5. Every tenant who—

(1) has heretofore paid no rent and rendered no service, in respect of the land occupied by him, to the proprietor thereof for the time being, beyond the amount of land-revenue and village-cesses for the time being chargeable thereon, and whose father and grand-father, uncle and grand-uncle occupying the same land, have paid no rent and rendered no service in respect thereof to such proprietor, beyond the amount aforesaid;

(2) or who has involuntarily parted or shall involuntarily part with proprietary rights in any land otherwise than by forfeiture to Government; and

who

who has continuously occupied or shall continuously occupy such land or any part thereof from the time of such parting;

(3) or who is, at the date of the passing of this Act, the representative of a person who settled as a cultivator in the village in which the land occupied by such tenant is situate along with the founders of the village;

(4) or who is or has been jágírdár of the village or any part of the village in which the land occupied by him as tenant is situate, and who has continuously occupied such land for not less than twenty years—

shall be deemed to have a right of occupancy in the land so occupied.

Presumption arising from entry in settlement record.

6. Every tenant whose name appears in the records of a regular or revised settlement heretofore sanctioned by the Local Government, as having a right of occupancy in land which he or the person from whom he has immediately inherited has continuously occupied from the entry of his name or the name of such person (as the case may be) in such settlement, shall be presumed to have a right of occupancy in the land so occupied,

Rebuttal of presumption.

unless the landlord shall in a regular suit prove—

(1) that, within the thirty years immediately before the institution of such suit, other tenants of the same class in the same or in adjacent villages have ordinarily been ejected from their holdings at the will of the landlord; or

(2) that the tenant has voluntarily admitted, before any officer employed in making or revising a regular settlement of land-revenue or before any officer authorized to attest the entries in the record of such settlement, that he is a tenant not having a right of occupancy, and that such admission has been recorded at the time by the officer so employed or authorized.

Right of occupancy in land taken in exchange.

7. If the tenant has voluntarily exchanged the land, or any portion of the land, formerly occupied by him for other land belonging to the same landlord, the land taken in exchange shall, for the purposes of this Act, be held to be subject to the same right of occupancy as the land given in exchange would have been subject to if the exchange had not taken place.

8 Nothing

8. Nothing herein contained shall be deemed to preclude any person claiming a right of occupancy on any ground other than the grounds hereinbefore specified from suing to establish such right.

Suits to establish rights of occupancy on other grounds.

9. No tenant shall be deemed to acquire a right of occupancy by mere lapse of time.

Non-acquisition of right of occupancy by lapse of time.

And no right of occupancy in the common lands belonging to a pattídárí village community shall be acquired under this chapter.

CHAPTER III.

OF RENT.

1.—*Enhancement.*

10. No tenant shall, in the absence of an agreement or decree of Court to the contrary effect, be held liable, in a suit for arrears of rent in respect of any land, to pay rent exceeding in amount the rent payable by him in respect of such land for the last preceding agricultural year, unless a decree for the enhancement of the rent has been made as hereinafter provided.

Decree for enhancement of rent.

The said Lieutenant Governor shall have power, from time to time, by notification in the official Gazette, to declare for all or any of the districts under his government the day on which the agricultural year shall, for the purposes of this section, be deemed to commence.

11. The Court may decree that the rent previously payable by any tenant having a right of occupancy may be enhanced on any of the following grounds :—

Grounds of enhancement.

1*st Ground.*—That the quantity of land held by him as tenant exceeds the quantity for which he has previously been liable to pay rent.

Rule.—In this case the Court shall decree rent for the land in excess at the same rate as that payable in respect of the land of a similar description and with similar advantages held by him of the same landlord.

2nd Ground.

2nd Ground.—That the rate of rent paid by him is below the rate of rent usually paid in the same or adjoining villages by the same class of tenants having a right of occupancy for land of a similar description and with similar advantages.

Rule.—In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate.

3rd Ground.—That the rate of rent paid by him is,

if he belong to the class described in clause 1 of section five, more than fifty per centum,

if he belong to any of the classes specified in clause 2, 3 or 4 of section five, more than thirty per centum,

and if he belong to the class specified in section six, more than fifteen per centum,

below the rate of rent usually paid in the neighbourhood by tenants of the same class not having a right of occupancy for land of a similar description and with similar advantages.

Rule.—In this case the Court shall enhance his rent to the amount claimed by the plaintiff not exceeding such rate, less fifty per centum, thirty per centum or fifteen per centum, as the case may be.

Enhancement when tenant pays revenue or cesses.

12. If the revenue or any of the village-cesses is payable by the defendant, the rate to which his rent may be enhanced shall be reduced by the amount so payable.

Suit for re-enhancement.

13. After a decree has been passed under section ten, no suit shall lie against the defendant for re-enhancement of his rent until the expiration of five years from the date of such decree, unless in the meantime there has taken place a general revision of regular settlement, under which the revenue payable for the land comprised in the decree has been increased.

2.—*Abatement.*

2.—*Abatement.*

Grounds of right to abatement.

14. Every tenant having a right of occupancy shall be entitled to claim abatement of the rent previously paid by him on either of the following grounds, and on no others :—

(1) that the area of the land in his occupation has been diminished by diluvion or otherwise, or proved to be less than the quantity for which rent has been previously paid by him ; or

(2) that the productive powers of such land have been decreased by any cause beyond his control.

3.—*Remission.*

When Court may allow remission from rent.

15. Notwithstanding anything hereinbefore contained, it shall be lawful for the Court, in making a decree for an arrear of rent,

if the area of the land in the tenant's occupation has been diminished by diluvion or otherwise,

or if the produce of such land has been diminished by drought or hail, or other calamity beyond his control, to such an extent that the full amount of rent payable by him cannot, in the opinion of the Court, be equitably decreed,

to allow such remission from the rent payable by him as may appear equitable :

Provided that, if the tenant hold a lease for an unexpired term of not less than five years, or have a right of occupancy, in a revenue-paying estate, no such remission shall be allowed to him, unless a remission of revenue has been allowed on the same ground and by competent authority in respect of the same estate.

4.—*Rent in Kind.*

Commutation of rent in kind

16. No commutation of rent in kind into rent in money, and no commutation of rent in money into rent in kind, shall take place without the consent of both the landlord and the tenant.

17. Whenever

17. Whenever rent is taken by division of the produce in kind, or by estimate or appraisement of the standing crop, or other procedure of a similar nature, requiring the presence of the person entitled to the rent and of the cultivator, either personally or by their recognized agents,

Division and appraisement of produce taken for rent.

if either party neglects to be present at the proper period,

or if a dispute arises between the parties regarding such division, estimate or appraisement,

either party may present an application to the Court, on a paper bearing a stamp of eight annas, requesting that a proper person be deputed to make the division, estimate or appraisement.

18. On receiving such application and such sum, to be paid in the first instance by the applicant, as the Court thinks sufficient to defray the costs of serving the notice and making the award next hereinafter mentioned, the Court shall issue a written notice to the other party, requiring him to attend on the date and at the place specified in the notice, and shall depute a proper person to make the division, estimate or appraisement and to direct by whom the costs of each party are to be paid.

Procedure in case of dispute.

The award of such person in respect of the said division, estimate or appraisement and costs shall be final, unless within three months from the date thereof either party institutes a suit to set it aside.

CHAPTER IV.

OF EJECTMENT.

19. No tenant having a right of occupancy in any land shall be ejected therefrom otherwise than in execution of a decree.

Ejectment of tenant with right of occupancy.

Such decree shall not be made, unless—

(1) at the date of the decree, a decree against such tenant for an arrear of rent in respect of such land has remained unsatisfied for fifteen days or upwards; or

(2) the

(2) the landlord tenders to the tenant, in addition to any compensation to which he may be entitled under sections twenty-seven and thirty-seven (but subject to deduction in respect of the arrears of rent, if any, payable by him), such compensation as the Court thinks fit, not less than fifteen, and not more than thirty, times the amount of the net annual profits receivable by the tenant in respect of such land on an average of the three years next before the date of the tender.

Nothing in the last preceding clause shall be deemed to apply to a tenant belonging to any of the classes specified in section five, or to a tenant when he or the person from whom he has inherited, has continuously occupied such land for thirty years or upwards.

Ejectment of tenant without right of occupancy.

20. A tenant not having a right of occupancy may be ejected—

first, if a decree has been obtained against him for arrears of rent or for ejectment; or

second, when he is not holding under an unexpired lease, or an agreement, or a decree of Court, by notice given by the landlord in manner hereinafter mentioned.

Time of ejectment.

21. Notwithstanding anything herein contained, no tenant shall be ejected from the land in his occupation, except between the fifteenth day of April and the fifteenth day of June, unless, while the rent in respect of such land is in arrear, he has failed to cultivate the land in accordance with the terms on which he holds it.

Notice of Ejectment.

Notice of ejectment.

22. The notice of ejectment shall be written in the vernacular language of the district: it shall specify the lands from which the tenant is to be ejected; and it shall inform him that, if he means to dispute the ejectment, he must institute a suit for that purpose on or before the fifteenth day of May next after the service of the notice, or quit the land on or before that date.

The said Lieutenant Governor shall determine what, for the purposes of this section, shall be deemed to be the vernacular language of each district in the territories under his government.

23. On

23. On the landlord's application to the tahsíldár or other officer authorized to serve such notices, the notice shall be served by him on or before the fifteenth day of April, and the landlord shall pay the costs of service.

Service of notice.

The notice shall, if practicable, be served personally on the tenant.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

24. The said Lieutenant Governor shall have power, from time to time, by notification published in the official Gazette not less than six months before such notification is to come into force, to fix, for the purposes of sections twenty-two and twenty-three, in all or any of the districts under his government, any two days other than the days fixed in the same sections :

Power to alter dates for suing to dispute, and for serving notice of, ejectment.

Provided that, between the days so fixed by notification, there shall be an interval of at least one month.

25. If the tenant on whom such notice of ejectment has been served fails to institute, on or before the fifteenth day of May next after the service, or, in case the said Lieutenant Governor fixes for the purpose of section twenty-two any day other than the said fifteenth day of May, then on or before the day so fixed, a suit to contest his liability to be ejected, his tenancy of the land in respect of which the notice has been served shall be held to cease on that day.

Cessation of tenancy on failure to contest notice

Assistance to eject.

26. If no such suit be brought, or if such suit be brought and dismissed, and the landlord require the assistance of the Court to eject any person whose tenancy is alleged to have ceased under the provisions of section twenty-two, he may apply for such assistance; and if the Court be satisfied that notice of ejectment was duly served on such person, it shall, subject to the provisions of section nineteen, give such assistance accordingly.

When assistance to eject may be given by Court.

Nothing

Nothing done by the Court under this section shall affect the right of any tenant to institute a suit against his landlord on account of illegal ejectment, and to recover compensation for the same.

Growing Crops.

Compensation to ejected tenant for growing crops.

27. Any tenant ejected in accordance with the provisions of this Act, shall be entitled to receive from the landlord the value of any growing crops or other ungathered products of the earth belonging to such tenant and being on the land at the time of the ejectment:

Provided that, if the land has been sown or planted by the tenant after the service on him of the notice mentioned in section twenty, he shall not be so entitled, unless, after such service, the landlord has expressly authorized him to continue to occupy the land.

CHAPTER V.

OF RELINQUISHMENT, LEASES AND UNDER-LEASES, ALIENATION AND SUCCESSION.

1.—*Relinquishment.*

Relinquishment of land by tenant.

28. Every tenant shall be liable to pay the rent payable in respect of the land in his occupation for the ensuing agricultural year, unless, on or before the first day of January next before the commencement of that year, he gives notice to the landlord of his intention to relinquish such land before the commencement of such year, and relinquishes it accordingly, or unless the land has been let to any other person by the landlord.

Power to fix commencement of agricultural year for purposes of section 28.

29. The said Lieutenant-Governor shall have power, from time to time, by notification in the official Gazette, to declare, for all or any of the districts under his government, the day on which the agricultural year shall, for the purposes of section twenty-eight, be deemed to commence, and, in lieu of the said first day of January, to substitute, for the purposes of section twenty-eight, in all or any of the same districts, such day as he thinks fit.

Discharge of tenant.

30. If the tenant relinquishes the land according to his said notice, he shall be discharged from all liability to pay the rent which would otherwise have accrued due in respect of such land after the date of the relinquishment.

31. If

31. If the landlord or his recognized agent refuse to receive such notice, the tenant may apply to the tahsíldár or proper officer, and written notice shall thereupon be served by him on such landlord or agent, and the tenant shall pay the costs of service.

Refusal to receive notice.

The notice shall, if practicable, be served personally on the landlord or agent.

But if he cannot be found, service may be made by affixing the notice at his usual place of residence, or, if he does not reside in the district wherein the land is situate, at some conspicuous place in the village wherein the land is situate.

2.—*Leases and Under-leases.*

Right to let or under-let.

32. Every tenant having a right of occupancy may let or under-let the land in his occupation or any part thereof:

Provided that nothing in the former part of this section shall be deemed to affect any agreement on the part of a lessee that he will not, or will not without the previous consent of the lessor or his representative, under-let or part with the possession of the said land or any portion thereof.

Saving of agreements not to let or sub-let.

33. Every person to whom land is let or under-let under section thirty-two shall, in respect of such land, and so far as regards the landlord and his representative, be subject to all the liabilities under this Act to which the lessor or under-lessor would have been subject in respect of such land, and so far as regards such landlord and his representative, in case the lease or under-lease had not been made

Liability of lessee and under-lessee.

3.—*Alienation.*

34. Any tenant having a right of occupancy claimable in accordance with the terms of any of the clauses of section five, may alienate the land in his occupation, or any part thereof:

Right of tenant to alienate.

Provided that, in every such case, the land or part aforesaid shall be offered for sale in the first instance to the landlord at the market-value, and shall not be alienated to any other person unless the landlord shall, for the space of one month, refuse or neglect to complete the purchase.

Landlord's right of pre-emption.

Every

Every other tenant may alienate the land in his occupation, or any part thereof, with his landlord's previous consent, but not otherwise.

Rights and liabilities of tenant's alienee.

35. Every person other than the landlord, to whom land is alienated under section thirty-four, shall, in respect of such land, have the same rights and be subject to the same liabilities as the tenant making the alienation.

4.—*Succession.*

Succession to right of occupancy.

36. When a tenant having a right of occupancy in any land dies, his right shall devolve on his male lineal descendants (if any), and, failing such descendants, the right shall go to his male collateral relatives: Provided that the common ancestor of the deceased and his said relatives shall have occupied such land.

As among descendants and collateral relatives claiming under this section, such right shall devolve and go as if it were land left by the deceased in the village in which such land is situate.

CHAPTER VI.

OF COMPENSATION FOR TENANTS' IMPROVEMENTS.

Tenant's right to compensation for improvements.

37. If any tenant, or, in the case of a tenant with a right of occupancy, the person from whom he has inherited, makes any such improvements on the land in his occupation as are hereinafter mentioned, the rent payable by him or his representative in respect of such land shall not be enhanced, nor shall he or his representative be ejected from the same land, unless and until he or his representative, as the case may be, has received compensation for the money or labour, or both, expended in making such improvements by him, or the person from whom he has inherited, or whom he represents, within thirty years next before the date of such enhancement or ejectment.

"Improvements" defined.

38. The word "improvements," as used in section thirty-seven, means works by which the annual letting-value of the land has been, and at the time of demanding compensation continues to be, increased, and shall comprise—

1*st*, the construction of works for the storage of water, for the supply of water for agricultural purposes, for drainage, and for protection against floods; the

the construction of wells, the reclaiming and clearing of waste lands and other works of a like nature;

2nd, the renewal or reconstruction of any of the foregoing works, or such alterations therein, or additions thereto, as are not required for maintaining the same, and which increase durably their value.

Compensation how made.

39. Such compensation may, at the option of the landlord or his representative, be made—

(1) by payment in money;

(2) by the grant of a beneficial lease of the land by the landlord or his representative to the tenant or his representative; or

(3) partly by payment in money, and partly by the grant of such lease as aforesaid.

Provision for difference as to amount or value of compensation.

40. In case of difference as to the amount or value of the compensation tendered, either party may present an application to the Court on a paper bearing a stamp of eight annas, stating the matter in dispute, and requesting a determination thereof.

Notice of such application shall be served on the other party by the proper officer, and the applicant shall pay the costs of service.

On receiving such application, the Court, after taking such evidence as the parties or either of them may adduce, and after making such further enquiry (if any) as it may deem necessary, shall determine (as the case may be) the amount of the payment, or the terms of the lease, or both:

Provided that, in determining such amount or value, the Court shall take into account any assistance given by the landlord, either directly by money, material or labour at the time of making such improvements, or indirectly by subsequently allowing the tenant to hold at a rate of rent more favourable than the rate at which he otherwise would have held.

Tender of lease for twenty years to bar right to claim compensation.

41. If in any case a landlord tenders to a tenant a lease of the land in his occupation, for a term of not less than twenty years from the date of the tender, at the annual rent then paid by the tenant, or at such other annual rent as may be agreed upon,

upon, such tender, if accepted by the tenant, shall bar any claim by him or his representative in respect of improvements previously made on such land by the tenant or the person from whom he has inherited.

CHAPTER VII.

OF PROCEDURE.

Civil courts to hear cases under certain sections.

42. Cases cognizable under sections five, six, eleven, fourteen, nineteen, twenty and twenty-five, shall, unless otherwise provided for by any law for the time being in force, and subject to the provisions of section twenty-one of Act No. XIX of 1865 (*to define the jurisdiction of the Courts of Judicature of the Punjab and its Dependencies*), be heard in the Civil Courts other than the Courts of Small Causes, unless when such Courts of Small Causes shall have been specially empowered by the Local Government, under Act No. XI of 1865, section six, to hear such cases.

Applications under certain sections to be proceedings on Revenue side.

Applications under sections seventeen, twenty-three, twenty-six and thirty-one shall be deemed to be proceedings on the Revenue side: they shall be subject to the rules of procedure for the time being in force in such cases; and all orders on such applications shall be appealable to the Financial Commissioner of the Panjáb.

Stamp on certain plaints.

43. The plaint in every suit under sections five, six, eleven, fourteen and twenty-five, shall bear a stamp of eight annas.

Saving of procedure for recovery of rent.

44. The procedure now in force in the Panjáb for the recovery of rent shall, except in so far as it is inconsistent with the provisions of this Act, continue to be in force.

Confirmation of proceedings of settlement officers.

45. All proceedings of officers of Government in making or revising, prior to the passing of this Act, settlements of land-revenue shall, so far as such proceedings are consistent with the provisions of this Act, and subject to appeal and revision when an appeal or a revision is provided, be deemed to have been taken in accordance with law.

Office Supdt. Govt. Printing.—No. 7439 L. C.—11-11-68.—3,000.

BENGAL SECRETARIAT LIBRARY

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1869.

	Act.	Sec.
Abandoning garrison, &c.	V	art. 14
Abandonment implied in 'desertion'	IV	3, cl. (9)
Abetment of offences punishable under Articles of War	V	art. 71
" " "	XVIII	36
Abscond, warrant for arrest of person about to, ...	VIII	257
Absence, reversal of decree of separation obtained in, ...	IV	26
without leave	V	art. 30
procedure in trial for, ...	"	" 115
from camp without leave	"	" 51
from camp after retreat-beating	"	" 52
from cantonment or lines after tattoo	"	" 52
of President of Court Martial	"	" 103
excuse for, ...	"	" 115
of officer on revision	"	" 120
from duty for two months	"	" 162
as prisoner of war	"	" 163
Accessory to adultery	IV	12, 13, 14
Accident, omission to stamp by, ...	XVIII	24, cl. (b)
to stamped paper	"	46
Accomplice, tender of pardon to, ...	VIII	209
Account, stamp on note evidencing balance of, ...	XVIII	sch. II, No. 5
Accountant General, remittal to, of surplus of deceased soldier's estate ...	V	art. 178
of surplus proceeds of deserter's effects	"	" 179
Accounts of taxes levied under Rural Police Act	III	15, 16, 17
Accoutrements, making away with or losing, ...	V	art. 47
Acknowledgment of sum paid on letter of allotment or call	XVIII	15, cl. (2)
of debt, stamp on, ...	"	sch. II, No. 5
Acquittal, judgment of, ...	VIII	372
Act VI of 1835 repealed as regards Khási Hills	XXII	3
XIV of 1840, section 8 repealed	XVIII	sch. 3
XVI of 1841 repealed	II	sch.
XIV of 1843 saved	XXV	1
VI of 1844, sections 7 and 16 repealed	XI	2
applies to duties collected under "Land Customs (Madras and Bombay) Act, 1869"	"	5
sections 44 and 45 repealed	XXIV	1
IX of 1844 repealed as far as it relates to Bombay Presidency	XIV	sch.
VI of 1845	II	sch.

	Act.	Sec.
Act XXIX of 1845, so much of, as refers to Joint Zila Judges, repealed... ...	XIV	sch.
XXXVII of 1850 to apply to enquiries into charges of misconduct by Bombay Subordinate Judges	XIV	33
XXXVI of 1855 saved	XXV	1
XVIII of 1856 repealed in part	XVIII	sch. 3
XXIII of 1857 repealed	XX	3
XXIX of 1857, section 3 repealed	XI	
applies to duties collected under "Land Customs (Madras and Bombay) Act, 1869"	"	5
XIX of 1858 repealed	XVIII	sch. 3
XLI of 1858 repealed	XVIII	" 3
VIII of 1859, see *Code of Civil Procedure.*		
XV of 1859, section 37 repealed...	XVIII	sch. 3
XXIV of 1859, section 12 repealed	X	1
V of 1861, section 11 repealed	X	1
VII of 1861 repealed	XXIV	1
X of 1862 partially repealed	XVIII	sch. 3
XIX of 1862 saved	XXV	1
VI of 1863, sections 52, 53 and 54 repealed...	XVII	1
VIII of 1863, section 2 amended	XXVI	1
VII of 1864 saved	XXV	1
XIII of 1864, sections 55, 56, 57 and 80, repealed	VI	10
XXVII of 1864 repealed	II	sch.
II of 1865 repealed	III	2
X of 1865, section 4 repealed	IV	27
II of 1866 repealed	III	2
XIX of 1866 repealed	XXIV	1
VII of 1867, section 12 repealed	X	1
XXIV of 1867, section 3 amended	XIX	1
XXVI of 1867, section 5 repealed	XVIII	sch. 3
IX of 1868 repealed	IX	2
IX of 1869, enhancement of duties leviable under, ...	XXIII	
Additional evidence, appellate court may direct taking of, ...	VIII	422
pay, forfeiture of, ...	V	arts. 76, 82, 136
Address by accused person	VIII	374
Adhesive stamp	XVIII	5, cl. (*a*)
to be affixed to bill drawn out of British India	"	
may be affixed to instrument chargeable with one anna ...	"	26
may be affixed to paper for receipt	"	27
presenting bill wanting, ...	"	30
holder of foreign bill to cancel,...	"	31
executant to cancel, ...	"	33
Adjournment of hearing	IV	54
of court martial	V	art. 106

	Act.	Sec.
ADJOURNMENT of trial for desertion, absence without leave, overstaying leave, or not rejoining	V	art. 115
ADJUTANT GENERAL of Army to send copies of certain sentences and orders passed thereon	V	„ 158
ADMINISTRATION-BOND saved from General Stamp Act	XVIII	sch. I, No. 5
ADMINISTRATOR GENERAL'S ACT, 1867, section 3 amended	XIX	1
ADMISSIBILITY, see *Evidence.*		
ADOPTED son of Oudh Taluqdár, descent to, ...	I	22, par. (5)
ADOPTION, writing of, ...	I	22, par. (5)
by Muhammadan Taluqdárs	„	29
by widow of Muhammadan Taluqdár	„	29
See *Authority to adopt.*		
ADULTERER when to be a co-respondent	IV	11
See *Damages, Death.*		
ADULTERY committed in India	IV	2
incestuous, ...	„	3, cl. (6)
bigamy with, defined	„	3, cl. (7)
dissolution of marriage on ground of, ...	„	10
coupled with cruelty, dissolution on ground of, ...	„	10
coupled with desertion, dissolution on ground of, ...	„	10
of petitioner	„	14
neglect or misconduct conducing to, ...	„	14
judicial separation on ground of, ...	„	22
English clergymen not compelled to remarry persons divorced for, ...	„	58
revival of, condoned	„	sch. No. 7
See *Accessory, Condonation.*		
AFFIDAVIT, case may be verified by, ...	IV	51
defined	XVIII	3, cl. (1)
to enable a person to receive a pension, exempt	„	15, cl. (12)
stamp on, ...	„	sch. II, No. 14
AFFINITY, prohibited degrees of, ...	IV	19
AFFIRMATION of person reported fit for duty	V	art. 1
of interpreter	„	„ 108
of Judge Advocate	„	„ 109
at Summary Court	„	„ 110
of President and Members	„	„ 127
See *Evidence.*		
AFTER-STAMPING when inadmissible	XVIII	28
AGENT of person from or to whom money is owing or paid	XVIII	27
of owner of useless or spoiled stamped paper	„	45
AGENTS for non-residents chargeable with income-tax	IX	12
AGGRAVATING disease or infirmity	V	art. 58
AGREEMENT between separated husband and wife	IV	24
for hire of tug-steamer not included in 'charter-party'	XVIII	3, cl. (7)
for sale of goods, exempt	„	15, cl. (8)

	Act.	Sec.
AGREEMENT relating to sale of Government securities, shares or bills, stamp on, ...	XVIII	sch. II, No. 3
not otherwise provided for, stamp on, ...	„	„ II, No. 11
stamp on one of several letters proving an, ...	„	„ II, No. 11
to repay at short date loan on deposit, stamp on, ...	„	„ II, No. 21
See *Engagement.*		
AHL-I-BÁDARÍ	I	21
AIDING intentionally, see *Abetment.*		
AKYAB, divorce-jurisdiction of Recorder at, ...	IV	3, cl. (2)
ALARM, using words intended to create, in time of war	V	art. 23
See *False Alarm.*		
ALIMONY, non-payment of, ...	IV	25
pendente lite, petition for, ...	„	36
„ service of copy of petition for, ...	„	36
„ continuance of, ...	„	36
power to order permanent, ...	„	37
ALLIED STATE, station not in British India nor in, ...	V	arts. 77, 142, cl. (*e*)
ALLIED STATES, 'High Court' for, ...	IV	3, cl. (1)
'District Judge' in, ...	„	3, cl. (2)
ALLOTMENT, see *Letter* of *Allotment.*		
ALLOWANCE, obtaining, by false statement, &c.	V	art 62
ALMS, see *Begging.*		
AMERICAN not triable by Court composed of Native officers	V	part I, cl. (*d*), proviso
when to be sentenced to penal servitude	„	art. 144
included in European Vagrancy Act	XXI	3
AMMUNITION, making away with or losing, ...	V	art. 47
embezzlement or fraudulent misappropriation of Government, ...	„	„ 54
furnishing false return of, ...	„	„ 63
ANNUITY, duty on bond, &c., for payment of, ...	XVIII	12
duty on conveyance where consideration is an, ...	„	12
exemption of receipt for instalment of, ...	„	15, cl. (3)
ANNULMENT of sentences of Courts Martial	V	art. 142, cl. (*i*)
of sentence of Detachment General Court Martial, held neither in British India nor in allied Indian State	„	„ 142, cl. (*e*)
of illegal sentence, re-admission after, ...	„	art. 156
ANSWER to petition for restitution of conjugal rights	IV	33
ANTE-NUPTIAL settlement, see *Settlement.*		
APOSTACY and second marriage of husband, dissolution on ground of, ...	IV	2, 10
APOSTATE respondent	IV	2
APPEAL from orders and decrees	IV	55
not from District Judge's decree for dissolution or of nullity	„	55
not from order of High Court as to confirmation of District Judge's decree	„	55
not on subject of costs only	„	55
to Queen in Council	„	56

	Act.	Sec.
APPEAL from Magistrate to Court of Session	VIII	409
from orders under chapter X of Code of Criminal Procedure	"	413
time for presenting petitions of, ...	"	415
suspension of sentence pending, ...	"	421
further enquiry may be directed on, ...	"	422
from Collector's decision under General Stamp Act, ...	XVIII	40
APPEARANCE of prisoners, Act to provide facilities for obtaining, ...	XV	
APPEARING armed when off duty	V	art. 49
APPLICATION of Articles of War	V	part I, cl. (*d*)
for aid in apprehending person accused of military offence ...	"	" III, cl. (*e*)
See *Copy*.		
APPOINTMENT of new trustee to receive alimony	IV	38
stamp on, ...	XVIII	sch. II, No. 35
See *Power*.		
APPRAISEMENT, stamp on, ...	XVIII	sch. I, No. 21
APPREHENSION of deserter, omission to cause, ...	V	art. 28
of person breaking cantonment-rules	"	part III, cl. (*c*)
of person accused of military offence	"	" III, cl. (*e*)
APPROVAL of rules to be made under General Stamp Act by Local Governments ...	XVIII	48
ARAKAN, Recorder at Rangoon's divorce-jurisdiction in, ...	IV	3, cl. (2)
ARMS, making away with, or losing	V	art. 47
embezzlement or fraudulent misappropriation of Government, ...	"	" 54
furnishing false return of, ...	"	" 63
deliverable by members of Volunteer Corps	XX	15
'ARMY' defined	V	part I, cl. (*e*)
Head Quarters, monthly returns of trials furnished to, ...	"	art. 95
ARREARS of pay and allowances, forfeiture of, ...	"	arts. 76, 82, 85, 137
ARREST, leaving, ...	V	art. 36
of person accused of military offence	"	" 100
detainment in, ...	"	" 100
witnesses privileged from civil, ...	"	" 124
of attested persons for debt, prohibited	"	part III, cl. (*b*)
of persons suspected to be deserters	"	" III, cl. (*d*)
without warrant, procedure when officer in charge of police-station requires subordinate to make, ...	VIII	140
See *Apprehension*.		
ARSENAL, Summary Court Martial held by European officer in charge of, ...	V	art. 90
ARTICLES OF ASSOCIATION, stamp on, ...	XVIII	sch. II, No. 33
ARTICLES OF CLERKSHIP, stamp on, ...	XVIII	" II, No. 41
ARTICLES OF WAR, application of, ...	V	part I, cl. (*d*)
to be read to recruits	"	art. 1
to be read to troops every quarter	"	part III, cl. (*k*)
applied to Volunteers	XX	8
ARTIFICERS, Articles of War apply to, ...	V	part I, cl. (*d*)

	Act.	Sec.
ASSAULT' defined	V	part I, cl. (*e*) & ap. part I
on superior officer	"	art. 8
on persons bringing provisions	"	" 22
on sentry	"	" 27
ASSEMBLY of Court Martial	V	" 106
ASSIGNMENT of interest secured by bond or mortgage-deed, stamp on, ...	XVIII	sch. I, No. 13
person to pay stamp on, ...	"	6
ASSISTANCE to enemy	V	art. 17
in apprehending and securing persons accused of non-military offences ...	"	" 170
ASSISTANT JUDGE (Bombay), power to appoint, ...	XIV	14
situation of Court of, ...	"	15
his original jurisdiction	"	16
his appellate jurisdiction	"	17, 18
may be invested with powers of District Judge ...	"	19
to use seal of District Judge	"	20
ASSISTANT PROVOST MARSHAL, impeding or refusing to assist, ...	V	art. 39
ATTEMPT to use criminal force to superior officer	V	" 8
to force sentry	"	" 27
to commit suicide	"	" 48
ATTESTATION	V	" 2
'ATTESTED' defined	V	part I, cl. (*e*)
person, dismissal of, ...	"	art. 5
certificate to, ...	"	" 6
exempt from arrest for debt...	"	part III, cl. (*d*)
copy, duplicate or extract, stamp on, ...	XVIII	sch. I, No. 23
ATTORNEY of High Court may defend accused	VIII	432
exemption of copies made for use of, ...	XVIII	15, cl. (14)
not stating true consideration	"	35
See *Articles of Clerkship.*		
AUSTRALASIANS, Vagrancy Act applies to, ...	XXI	3
AUTHENTICATION, not of instruments not duly stamped	XVIII	18
AUTHORITY to adopt, stamp on, ...	XVIII	sch. II, No. 31
AVERAGE of income, when income-tax to be charged according to, ...	IX	33
AWARD as to provision for relatives of Taluqdárs	I	15
defined	XVIII	3, cl. (2)
stamp on, ...	"	sch. I, No. 22
BACHELOR OF LAWS (Bombay University), may be appointed Subordinate Judge ...	XIV	22
BAHÁDURS, precedence of, ...	V	art. 105
BALANCE of account, stamp on note expressing, ...	XVIII	sch. II, No. 5
BANKER, exemption of certain receipts of, ...	XVIII	15, cl. (2)
may stamp certain instruments chargeable with one anna	"	26
BARRISTER may defend accused	VIII	432
BATWÁRÁ included in 'partition-deed'	XVIII	3, cl. (22)
BÁZÁRS, see *Superintendents.*		

	Act.	Sec.
BEATING, causing reparation for, ...	V	art. 43
BEGGING by person of European extraction	XXI	23
BELIEF, see *Reason to believe.*		
BEQUESTS by Oudh Taluqdárs and Grantees	I	11—15, 19, 20
BESTIALITY committed in India	IV	2
dissolution on ground of, ...	„	10
BETRAYING watchword	V	art. 15
BHUTÁN DVÁRS removed from jurisdiction of ordinary Civil Courts	XVI	
BIGAMY with adultery	IV	3, cl. (7)
dissolution on ground of, ...	„	10
'BILL OF EXCHANGE' defined	XVIII	3, cl. (3)
when it may be stamped with adhesive stamp	„	5, cl. (*a*)
drawn out of British India	„	5, 7 & 8
person to pay duty on, ...	„	6
duties on, ...	„	7
unstamped or with stamp uncancelled, holder cannot recover on foreign, ...	„	19
brought to Collector on unstamped or insufficiently stamped paper	„	39
not presented	„	46
payable otherwise than on demand, stamp on, ...	„	sch. I, No. 1
payable on demand, for amount exceeding twenty rupees, stamp on, ...	„	„ II, No. 1
See *Agreement, Letters of Hypothecation, Memorandum, Negotiable Instrument, Protest, Set.*		
'BILL OF LADING' defined	XVIII	3, cl. (4)
stamp on, ...	„	sch. II, No. 9
BLIND persons may transfer or bequeath under Oudh Taluqdárs' Act	I	11
BLUDGEON, see *Weapon.*		
BOMBAY CIVIL COURTS' ACT	XIV	
'BOND' defined	XVIII	3, cl. (5)
person to pay duty on, ...	„	6
to Government for performance of duties of salaried office, exempt ...	„	15, cl. (7)
for specified sum, stamp on, ...	„	sch. I, No. 5
for due execution of an office, stamp on, ...	„	„ I, No. 12
as a collateral security, stamp on, ...	„	„ II, No. 20
See *Bottomry-bond, Customs-bond, Indemnity-bond, Respondentia-bond.*		
BOOKS, see *Court Martial Books.*		
'BOTTOMRY-BOND' defined	XVIII	3, cl. (6)
person to pay duty on, ...	„	6
stamp on, ...	„	sch. I, No. 6
BOUNDARY, determination of disputed, ...	XXII	10
BRIBE, requiring or accepting, ...	V	art. 45
BRITISH-BORN subjects, Indian Articles of War not to apply to, ...	V	part I, cl. (*d*), proviso

	Act.	Sec.
British Burma, see *Forests.*		
British India, duty on instruments executed out of, ...	XVIII	4
duty on bills drawn out of, ...	"	5, 7 & 8
sentences of Courts Martial held beyond limits of, ...	V	art. 142, cls. (*e*), (*g*)
Brother of Oudh Taluqdár, maintenance of, ...	I	26
Buglers, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
Burma, 'High Court' for, ...	IV	3, cl. (1)
'District Judge' in, ...	"	3, cl. (2)
Calls on scrip or shares, receipts for sums paid in respect of, ...	XVIII	15, cl. (2)
Camp, appearing without authority armed in, ...	V	art. 49
being without authority two miles distant from, ...	"	" 51
equipage depôt, Summary Court Martial held by European officer in charge of,	"	" 90
Cancelling adhesive stamps by banker	XVIII	26
on foreign bills by holder	"	31
by maker or executant	"	33
Cantonment Magistrates, saving of regulations defining office and powers of, ...	V	part I, cl. (*f*)
rule, procedure on breach of, ...	"	" III, cl. (*c*)
See *Police.*		
Cape of Good Hope, time of sailing for places west of, ...	VI	4
Cargo, Act to shorten time for landing, ...	XVII	
Carriage, exacting, ...	V	art. 41
Casting vote of President of Court Martial	V	" 118
Central Provinces, see *Chief Commissioner.*		
Certificate of result of enquiry and additional evidence in cases of confirmation of decree for dissolution	IV	17
to attested person dismissed or discharged	V	art. 6
of previous conviction	"	" 117
travelling without, ...	"	part III, cl. (*d*)
of service of process on prisoner	XV	16
of Court that duty has been paid on unstamped instrument ...	XVIII	20
of Collector that instrument is properly stamped or is not chargeable ...	"	24, cl. (*a*)
of Collector that duty has been levied on instrument executed out of British India	"	24, cls. (*c*), (*d*)
of Collector that full duty has been paid	"	39
revision of Collector's, ...	"	40
that impressed stamp is not procurable	"	49
of title to shares, scrip or stock, stamp on, ...	"	sch. II, No. 4
in case of counterpart, that duty has been paid on original, ...	"	" II, No. 16
Challenge by prisoner	V	art. 107
Chapel, see *Clergyman.*		
Character, enquiry into general, ...	V	art. 117
Charge or declaration made to recruit	V	" 1

	Act.	Sec.
CHARITABLE uses, gifts by Oudh Taluqdárs to, ...	I	18
bequests by Oudh Taluqdárs to, ...	"	20
public purposes, property dedicated to, exempt from income-tax ...	IX	4
allowance, exemption of affidavit in case of, ...	XVIII	15, cl. (12)
'CHARTER-PARTY' defined	XVIII	3, cl. (7)
agreement for hire of tug-steamer not included in, ...	"	3, cl. (7)
stamp on, ...	"	sch. II, No. 22
See *Agreement.*		
'CHEQUE' defined	XVIII	3, cl. (8)
not included in 'Bill of Exchange'	"	3, cl. (3)
when it may be stamped with adhesive stamp	"	5, cl. (*a*)
for amount exceeding twenty rupees, stamp on, ...	"	sch. II, No. 1
CHIEF COMMISSIONER, CENTRAL PROVINCES, may make rules for manufacturing salt...	XXV	1
may make rules for collection of duty on salt	"	3
CHIEF COMMISSIONER, OUDH, may make rules for manufacturing salt	XXV	1
may make rules for collection of duty on salt ...	"	3
CHIEF CONTROLLING REVENUE AUTHORITY may revise Collector's certificates and orders	XVIII	40
may refer questions to High Court ...	"	41
may remit or mitigate penalties ...	"	42
CHIEF COURT OF PANJÁB	IV	3, cl. (1)
CHILDREN of annulled marriage	IV	21
settlement of wife's property for benefit of, ...	"	39
parents not to be benefited at expense of, ...	"	40
See *Minor Children.*		
CHRISTIAN, petitioner under Divorce Act must be a, ...	IV	2
lineal descendants of British-born subjects not triable or punishable under Indian Articles of War	V	part I, cl. (*d*), proviso
Europeans not being British subjects, and their Christian lineal descendants, triable only by Courts Martial composed of European officers ...	"	part I, cl. (*d*), proviso
CHURCH OF ENGLAND, see *Clergyman.*		
CIVIL AUTHORITIES to take steps to capture deserter	V	part III, cl. (*d*)
or other military offender	"	" III, cl. (*e*)
rules for guidance of, ...	"	" III, cl. (*j*)
CIVIL COURT when empowered to complete investigation and commit person accused to Court of Session	VIII	173
its powers as to unstamped or insufficiently stamped instruments ...	XVIII	20
to keep book for entries of payments	"	21
to endorse payments	"	21
to make returns and payments to Collector	"	21
when to impound unstamped instruments	"	22
See *High Court.*		
CIVIL OFFICER of District to publish sentence for disgraceful conduct	V	art. 158

	Act.	Sec.
CIVIL SURGEON, forwarding bodies to, ...	VIII	161
CLERGYMAN of English Church need not solemnize marriage of person divorced for adultery	IV	58
to permit solemnization of such marriage in his Church or Chapel ...	"	59
CLERKS of the Civil Courts (Bombay), appointment and duties of, ...	XIV	40
CLOSING doors of divorce-court	IV	53
CLOTHES, making away with, or losing, ...	V	art. 47
embezzlement or fraudulent misappropriation of Government,... ...	"	" 54
furnishing false return of, ...	"	" 63
CODE of Civil Procedure to regulate proceedings under Divorce Act	IV	45
of Criminal Procedure, amended	VIII	
extension of, to Non-Regulation Provinces ...	"	445A, 445B, 445C, 445D
instruments not duly stamped inadmissible in proceedings under chapter XXII of, ...	XVIII	18, cl. (*b*)
European Vagrants deprived of privileges under, ...	XXI	30
'CODICIL' defined	I	2
COERCION, transfers and wills brought about by, ...	I	11
COHABITATION, continuance of, ...	IV	14
resumption of, ...	"	14, 24
withdrawal from, ...	"	32
COLLATERAL instrument not otherwise provided for, stamp on, ...	XVIII	sch. II, No. 15
security, stamp on, ...	"	" II, No. 20
COLLECTOR' defined	IX	3
to determine persons chargeable with income-tax	"	14
may summon witnesses under Income Tax Act	"	22
defined	XVIII	3, cl. (9)
may denote stamps	"	5, cl. (*b*)
monthly return and payment to, of money received by Court ...	"	21
may appoint person to receive such payments	"	21
to prosecute executant of unstamped instrument sent by Court ...	"	22
public officer to send unstamped instrument to, ...	"	23
his powers as to unstamped or insufficiently stamped instruments ...	"	24
when he may remit penalty under General Stamp Act	"	24, cl. (*b*)
when he may certify that proper duty has been levied on instrument executed out of British India	"	24, cl. (*c*)
validity of instrument for which penalty levied by, ...	"	25
to decide doubt as to proper stamp	"	39
revision of certificates and orders of, ...	"	40
to institute and conduct prosecutions under General Stamp Act ...	"	43
may specially authorize person to prosecute	"	43
may make refund, or supply new, for spoiled or useless stamped paper	"	45
may authorize officer to certify on counterpart that duty on original is paid	"	sch. II, No. 16

	Act.	Sec.
COLLUSION, Court to satisfy itself as to absence of, ...	IV	12
dismissal of petition in case of, ...	"	13
power to show cause why decree for dissolution should not be made absolute on ground of, ...	"	16
power to apply for removal of suit to High Court on ground of, ..	"	17
power to order District Judge to take steps as to, ...	"	17
certain petitions to state absence of, ...	"	47
COMMANDER-IN-CHIEF IN INDIA may be empowered to authorize officer commanding certain Native troops to appoint General Courts Martial	V	art. 73, cl.(*d*)
may be empowered to authorize officer commanding certain Native troops to appoint District or Garrison Courts Martial	"	" 79, cl. (*d*)
may set aside trial of Summary Court Martial ...	"	" 129
to prescribe minor punishments and specify officer to award them	"	" 165
his confirmation of sentences of death	"	" 174
saving of his authority conferred by Act of Parliament or Royal warrant or commission ...	"	part III, cl.(*i*)
may substitute new forms of affirmation ...	"	" III, cl.(*j*)
COMMANDER-IN-CHIEF OF PRESIDENCY may order dismissal of a Commissioned Officer	"	art. 3
or of any other person subject to Articles of War	"	" 4
may appoint General Court Martial ...	"	" 73
may appoint Detachment General Court Martial	"	" 77
may set aside trial by Summary Court Martial	"	" 79
may appoint District or Garrison Court Martial	"	" 129
transmission to, of proceedings of Regimental or Detachment Court Martial held on line of march or on road	"	" 129
may confirm, mitigate, commute, remit and annul sentences of Courts Martial ...	"	" 142, cls. (*a*), (*b*) & (*i*)
may delegate such powers	"	art. 142, cl. (*b*)
to confirm sentence on Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, and Warrant Officer ...	"	" 146
may direct offenders to be imprisoned in any jail	"	" 152
may order prisoner's removal from military jail	"	" 152
when he may order re-admission of convict ...	"	" 156
may pardon person convicted of military offence	"	" 160
may remit punishment awarded by Court Martial...	"	" 160

	Act.	Sec.
COMMANDER-IN-CHIEF OF PRESIDENCY may order restoration of advantage forfeited	V	art. 160
his confirmation of recommendation that prisoner of war may receive arrears ...	"	" 163
may reduce to ranks	"	" 164
to appoint Provost Marshal	"	" 168
to confirm sentences of death	"	" 174
may make orders, and issue warrants ...	"	part III, cl (*h*)
reference of sentence to, ...	"	" III, cl. (*h*)
may substitute new forms of affirmation ...	"	" III, cl. (*j*)
'COMMANDING OFFICER' defined	V	" I, cl. (*e*)
to make declaration to person reported fit for duty ...	"	art. 1
may dismiss attested person improperly re-enlisting ...	"	" 5
to furnish certificate to attested person dismissed or discharged	"	" 6
to constitute Summary Court Martial	"	" 91
holding Summary Court to make oath or affirmation ...	"	" 127
and to record previous conviction and general character of offender	"	" 128
and to sign proceedings	"	" 129
of cantonment, his jurisdiction in case of breach of cantonment rules	"	part III, cl. *c*)
to give information of desertion	"	" III, cl. (*d*)
COMMENCEMENT of desertion of wife	IV	28
COMMISSARIAT OFFICER, saving of regulations defining office and powers of, ...	V	part I, cl. (*f*)
COMMISSION for examination of prisoners	XV	12, 13
how to be directed	"	14
COMMISSIONED OFFICERS, Articles of War apply to, ...	V	part I, cl. (*d*)
defined	"	" I, cl. (*e*)
dismissal of, ...	"	art. 3
forfeit claim to pension on dismissal	"	" 3
General Court Martial to be composed of, ...	"	" 74
Detachment General Court Martial to be composed of, ...	"	" 78
District or Garrison Court Martial to be composed of, ...	"	" 80
Regimental and Detachment Courts Martial to be composed of, ...	"	arts. 84, 88
not triable by Summary Court Martial	"	art. 92
Summary Court Martial to be attended by two, ..	"	" 125
who are not to be sworn	"	" 127
nor to sign proceedings	"	" 129
triable or punishable only by General Court Martial ..	"	" 130
may be dismissed, suspended, or placed lower by General Court Martial	"	" 130
commutation of sentence of dismissal on, ...	"	" 145
confirmation of sentence on, ...	"	" 146

	Act.	Sec.
COMMISSIONED OFFICERS not liable to minor punishment	V	art. 165
COMMISSIONER of a Division to be a 'District Judge'	IV	3, cl. (2)
may summon witnesses under Income Tax Act	IX	22
COMMISSIONS to officers in Volunteer Corps	XX	14
COMMITMENT of person to whom a pardon has been tendered	VIII	211
of person discharged by Magistrate		435
See *Warrant of Commitment.*		
COMMITTEE of lunatic or idiot chargeable with income-tax	IX	12
of management of work-houses	XXI	12, 15
COMMUTATION of sentences of Courts Martial	V	art. 142 cls. (*e*) & (*i*)
of sentences of Detachment General Court Martial	"	art. 142, cl. (*e*)
of sentences of Regimental Courts Martial	"	" 142, cl. (*f*)
of sentences of Regimental Detachment Courts Martial ...	"	" 142, cl. (*g*)
of sentence of death	"	" 143
of sentence of dismissal	"	" 145
of sentence of corporal punishment	"	arts. 146, 147
of sentence of rigorous imprisonment	"	art. 148
of sentence of reduction with corporal punishment or imprisonment ...	"	" 149
of sentence of dismissal of Non-Commissioned Officer	"	" 149
of sentences for non-military offences	"	" 175
COMPANIES, deduction of income-tax from pay of servants of, ...	IX	9
income-tax payable by shipping-	"	10
income-tax payable by other, ...	"	10
'COMPANY' defined	IX	3
stamp on agreement relating to shares in, ...	XVIII	sch. II, No. 3
stamp on certificate of title to shares in, ...	"	" II, No. 4
stamp on proxy to vote at meeting of, ...	"	" II, No. 8
liability of, in case of Europeans imported, or dischaged soldiers employed, by, becoming vagrants	XXI	31
See *Articles of Association, Calls, Memorandum of Association, Railway Company, Scrip, Share.*		
COMPENSATION in cases of frivolous or vexatious complaints	VIII	270
to zamíndárs relinquishing cesses in Gáro Hills	XXII	7
COMPLAINT against officer	V	art. 167
penalty for frivolous, ...	"	" 167
of soldier arrested for debt	"	part III, cl. (*b*)
'COMPOSITION-DEED' defined	XVIII	3, cl. (10)
stamp on, ...	"	sch. II, No. 28
CONCEALING mutiny or sedition	V	art. 7
correspondence with enemy	"	" 16
desertion or harbouring of deserters	"	" 28
See *Abetment, Omission.*		
CONCEALMENT of kidnapped person, place for enquiring into, ...	VIII	31A
CONDONATION of adultery	IV	12, 13
implies resumption or continuance of cohabitation	"	14
See *Revival.*		

	Act.	Sec.
CONFINEMENT, leaving, ...	V	art. 36
of person accused of military offence	"	" 100
detainment in, ...	"	" 100
CONFIRMATION of decree for dissolution by District Judge	IV	17
Court to hear cases for, ...	"	17
when pronounced	"	17
of District Judge's decree of nullity	"	20
of decisions and sentences of Courts Martial	V	art. 142
of sentence of death	"	arts. 143, 174
of sentence of transportation	"	art. 144
of sentence on Commissioned Officer, &c.	"	" 146
of recommendation of Court Martial in case of prisoner of war ...	"	" 163
of sentences of General Court Martial for non-military offences ...	"	" 174
CONJUGAL RIGHTS, restitution of, ...	IV	32
answer to petition for, ...	"	33
CONNIVANCE at adultery or at form of marriage of apostate	IV	12, 13, 14
certain petitions to state absence of, ...	"	47
CONNIVING, see *Abetment.*		
CONSANGUINITY either natural or legal	IV	3, cl. 6
prohibited degrees of, ...	"	18
CONSIDERATION expressed in foreign currency	XVIII	10
to be stated	"	34, cl. (*a*)
mortgage-money or sum charged to be deemed, ...	"	34, cl. (*b*)
penalty for not stating, ...	"	34, cl. (*c*)
penalty on attorney, &c., not inserting, ...	"	35
failure of, ...	"	46
suit when it is not stated	"	47
See *Annuity.*		
CONSPIRACY against the State, concealing, ...	V	art. 7
See *Abetment.*		
CONTEMPT of Court Martial	V	art. 68
procedure in case of, ...	"	arts. 69, 123
CONTINGENT decree	IV	9
CONTINUANCE of cohabitation	IV	14
of alimony, *pendente lite*	"	36
CONTRACTS of wife during continuance of protection-order	IV	31
See *Agreement.*		
CONTROLLER GENERAL OF ACCOUNTS, remittal to, ...	V	arts. 178, 179
CONVENING OFFICER to fix date and hour of original assembly of Court Martial ...	V	art. 106
when he may annul the proceedings and order fresh trial ...	"	" 115
CONVEYANCE' defined	XVIII	3, cl. (11)
person to pay duty on, ...	"	6
duty on, where consideration is an annuity	"	12
stamp on, ...	"	sch. I, No. 15
CONVICT to be struck off strength of regiment	V	art. 155

	Act.	Sec.
CONVICT not re-admitted to service, nor entitled to pension, except when pardoned or illegally sentenced	V	art. 156
CONVICTION, evidence of previous, ...	V	arts. 117, 128
of desertion, record of unauthorised absence for two months to have effect of, ...	"	art. 162
by Court not having jurisdiction	VIII	427
CONVICTS, see *European convicts.*		
CO-PARTNERSHIP, stamp on instrument of, ...	XVIII	sch. II, No.26
See *Dissolution.*		
COPY of sentence or order to be furnished on application	VIII	440
of paper which public officer is required to make, exempt, ...	XVIII	15, cl. (13)
for private use, exempt, ...	"	15, cl. (14)
attested, stamp on, ...	"	sch. I, No. 23
CO-RESPONDENT, adulterer to be made a, ...	IV	11
damages against, ...	"	34
may be ordered to pay costs	"	35
CORPORAL PUNISHMENT, sentence of, ...	V	arts. 76, 82, 85, 89, 94
of person below rank of Warrant Officer	"	art. 132
commutation of sentence of, ...	"	" 147
for disgraceful conduct, publication of sentence of, ...	"	" 158
of Native follower committing breach of good order ...	"	" 166
may be inflicted by Provost Marshal	"	" 169
CORRESPONDING with enemy	V	art. 16
COSTS of shewing cause in High Court why decree for dissolution should not be made absolute on ground of collusion	IV	16
incurred by separated wife, non-liability of husband for, ...	"	25
power to order co-respondent to pay, ...	"	35
power to order litigious intervenor to pay, ...	"	35
minor's next friend to be answerable for, ...	"	49
no appeal on subject of, ...	"	55
to soldier arrested for debt	V	part III, cl. (*b*)
on petitions, &c., power of High Court, North-Western Provinces, to award, ...	XIII	3
COUNSEL, exemption from stamp-duty of copies made for, ...	XVIII	15, cl. (14)
COUNTERCHARGE against petitioner for dissolution of marriage	IV	12
'COUNTERPART' defined	XVIII	3, cl. (12)
of lease, lessor pays duty on, ...	"	6
of lease to ryot, exempt	"	15, cl. (10)
of instrument chargeable with duty, stamp on, ...	"	sch. II, No.16
'COURT' defined	IV	3, cl. (4)
See *Civil Court, Collusion, Criminal Court, District Court, High Court.*		
'COURT MARTIAL' defined	V	part I, cl. (*e*)

	Act.	Sec.
Court Martial may sentence to dismissal	V	arts. 3, 4, 76, 78, 82, 85, 89, 94
conviction by, ...	"	art. 53
eight kinds of, ...	"	" 72
to enquire into circumstances of absence of prisoner of war ...	"	" 163
not to award a minor punishment	"	" 165
procedure of, under Indian Volunteers' Act	XX	12
Court Martial Books, extracts from, ...	V	art. 117
Court of Session, when it may order commitment of person discharged by Magistrate	VIII	435
See *General Courts Martial, Regimental.*		
Coverture, disability of, ...	IV	39
Creditors of Oudh Taluqdárs	I	32
of husband seizing wife's property after notice of protection-order ...	IV	30
Criminal conversation, suit for, abolished in certain cases	IV	61
Criminal Court, when to impound unstamped instruments	XVIII	22
'Criminal force' defined	V	part I, cl. (*e*) & ap. No. 1
using it to superior officer	"	art. 8
using it to persons bringing supplies to camp	"	" 22
Criminal Procedure Code, sections 198 and 364 suspended in High Court, North-Western Provinces	XIII	2
Criminal Proceedings, instruments not duly stamped admissible in, ...	XVIII	18
Cross-examination of deponent	IV	51
Cruel offence	V	art. 65
Cruelty, dissolution on ground of adultery coupled with, ...	IV	10
of petitioner	"	14
judicial separation on ground of, ...	"	22
husband and wife may give evidence as to, ...	"	52
Cultivators, exemption from stamp-duty of receipts for rent to, ...	XVIII	15, cl. (1)
Cure, delaying, ...	V	art. 58
Custody, see *Minor Children.*		
Customs-bond, person to pay stamp on, ...	XVIII	6
stamp on, ...	"	sch. I, No. 8
Customs duties, Governor General of India in Council may fix value of goods exported or imported by sea	XII	1
Damages from adulterer when claimable	IV	34
to be ascertained by Court	"	34
payment or application of, ...	"	34
settlement of, ...	"	40
Daughters of deceased Oudh Taluqdár, maintenance of unmarried	I	27, 28
Deaf person may transfer or bequeath under Oudh Taluqdárs' Act	I	11
Death of alleged adulterer	IV	11
punishment of, ...	V	arts. 24, 76, 78, 130

	Act.	Sec.
DEATH of President of Court Martial	V	art. 103
majority requisite to sentence of, ...	"	" 119
awardable only by General Court Martial	"	" 130
form of sentence of, ...	"	" 141
confirmation of sentence of, ...	"	arts. 143, 174
police to make immediate enquiry and report on unnatural or sudden, ...	VIII	161
of party to transaction intended by writing on stamped paper	XVIII	46
DEBT, prohibition of arrest of soldier for, ...	V	part III, cl. (*b*)
See *Acknowledgment.*		
DEBTS of deceased to be discharged	V	art. 177
DECLARATION to person reported fit for duty	V	" 1
of use or trust, stamp on, ...	XVIII	sch. II, No. 36
DECORATION, making away with or pawning, ...	V	art. 47
DECREES of Supreme Court	IV	5
for dissolution of marriage...	"	14
by High Court to be *nisi*	"	16
by District Court to be confirmed	"	17
of nullity of marriage	"	18
of judicial separation	"	22
reversal of, ...	"	26
for restitution of conjugal rights	"	32
See *Appeals.*		
DEFACING medal or decoration	V	art. 47
'DEFAULTER' defined	IX	3
DEFENCE of accused person	VIII	372
DEFILING place of worship	V	art. 44
DEFINITIONS, instrument coming within two or more, ...	XVIII	14
See *Interpretation-clause.*		
DEGRADATION ...	V	arts. 76, 78, 82
General, District or Garrison Court Martial may sentence Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, and Warrant Officer to,	"	art. 131
DELAY of petitioner under Divorce Act	IV	14
in moving to have decree *nisi* made absolute	"	16
DELAYING cure	V	art. 58
DELEGATION of powers of Local Government under Vagrancy Act	XXI	32
See *District Judge.*		
DELIVERY up of documents	V	art. 67
up of offender sentenced to transportation	"	" 150
up of offender sentenced to imprisonment	"	" 151
DENOTING of stamps	XVIII	5, cl. (*b*)
DEPONENT, see *Affidavit, Cross-examination, Re-examination.*		
DEPUTY COMMISSIONER included in 'Collector'	XVIII	3, cl. (9)
DESCENDANTS of British-born subjects not triable nor punishable under Indian Articles of War	V	part 1, cl. (*d*)

	Act.	Sec.
'Deserter' defined	V	part I, cl. (*e*)
knowingly harbouring, ...	„	art. 28
knowingly enlisting a, ...	„	„ 29
sale of effects of, ...	„	„ 179
capture of, ...	„	part III, cl. (*d*)
Desertion of husband or wife, kind of abandonment implied in, ...	IV	3, cl. (9)
dissolution on ground of adultery coupled with, ...	„	10
by petitioner	„	14
separation on ground of, ...	„	22
husband and wife may give evidence as to, ...	„	52
See *Reasonable excuse.*		
triable only by General, District or Garrison Court Martial ...	V	art. 95
presumptive evidence of, ...	„	„ 114
procedure on trial for, ...	„	„ 115
sentence on trial for, ...	„	„ 116
information of, ...	„	part III cl.(*d*)
advising or persuading, see *Abetment.*		
Despondency, using words intended to create, in time of war	V	art. 23
Destruction of medal or decoration	V	„ 47
of Government property	„	„ 55
of instrument sent to Collector	XVIII	23
Detachment Court Martial, appointment of, ...	V	art. 87
composition of, ...	„	„ 88
powers of, ...	„	„ 89
to be attended by a European officer of not less than four years' service	„	„ 101
General Court Martial, appointment of, ...	„	„ 77
composition and powers of, ...	„	„ 78
Detainment in arrest or confinement	V	„ 100
of prisoners	„	„ 166
Discharge of protection-order	IV	„ 29
of order for permanent alimony	„	„ 37
from service, certificate of, ...	V	„ 6
re-enlistment without having received, ...	„	„ 11
of witnesses arrested in civil suits	„	„ 124
of offender on submission	VIII	164
stamp on, ...	XVIII	sch. II, No. 7
Discipline, acts and omissions to prejudice of, ...	V	art. 70
Disclosures, see *Promises, Threats.*		
Disease, feigning, producing or aggravating, ...	V	„ 58
Disgraceful conduct	V	arts. 58—66
trial for, ...	„	„ 66
triable only by General, District or Garrison Court Martial	„	„ 95
General Court Martial may inflict penalties for, ...	„	„ 130, cl. (*b*)

	Act.	Sec.
DISGRACEFUL CONDUCT, forfeitures on conviction of, ...	V	arts. 136, 137
stoppages on conviction of, ...	"	art. 138
dismissal with ignominy for, ...	"	" 157
'DISHONESTLY' defined	V	part I, cl. (e) & ap. No. I
misappropriating, &c., Government property	"	art. 54
DISHONEST NATURE, committing offence of, see *Fraudulent offence.*		
DISMISSAL of petition for dissolution	IV	13
by District Court does not bar petition to High Court	"	13
of suit when petitioner fails to move to have decree *nisi* made absolute ...	"	16
of Commissioned Officer	V	arts. 3, 130
of person not a Commissioned Officer	"	" 4, 131, 132
of attested person previously dismissed or discharged	"	art. 5
sentence of, ...	"	arts. 57, 76, 78, 82, 85, 89, 94
General, District or Garrison Court Martial may sentence Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, and Warrant Officer to,	"	art. 131
of person below rank of Warrant Officer	"	" 132
commutation of sentence of, ...	"	arts. 145, 149
with ignominy	"	art. 157
for disgraceful conduct, publication of sentence of, ...	"	" 158
DISOBEDIENCE to lawful command	V	" 9
to orders	"	" 70
DISSOLUTION OF MARRIAGE	IV	2, 10—17
grounds of, ...	"	10
adulterer to be a co-respondent to petition for, ...	"	11
absence of collusion in petition for, ...	"	12
dismissal of petition for, ...	"	13
decree for, ...	"	14, 16, 17
relief in case of opposition to suit for, ...	"	15
removal of suits for, ...	"	17
damages claimable in petition for, ...	"	34
settlement on, ...	"	39
inquiry into settlements after, ...	"	40
orders for custody of children in suits for, ...	"	43
orders for custody of children after, ...	"	44
evidence in suits by wife for, ...	"	52
remarriage after, ...	"	57, 58, 59
form of petition for, ...	"	sch. No. 1
DISSOLUTION OF PARTNERSHIP, stamp on instrument of, ...	XVIII	sch. II, No. 17
DISTRICT, officer commanding, may direct trial by Regimental or Detachment Court Martial of certain offences beyond ordinary jurisdiction	V	art. 95
'DISTRICT COURT' defined	IV	3, cl. (3)
to exercise matrimonial jurisdiction	"	4

	Act.	Sec.
DISTRICT COURT to act on principles of English Divorce Court	IV	7
removal of suits from, ...	"	8, cl. (1)
transfer of suits to, ...	"	8, cl. (2)
reference of questions by, ...	"	9
petitions to, ...	"	10, 18, 23, 26, 27, 32, 34, 36, 42, 44
confirmation of its decrees for dissolution	"	17
confirmation of its decrees of nullity	"	20
may reverse decrees of separation	"	26
may order settlements	"	30
to ascertain damages	"	34
may order alimony	"	36, 37
may enquire into settlements	"	40
may make orders as to custody of children	"	41, 42, 43, 44
to approve of minor's next friend	"	49
may close doors	"	53
may adjourn	"	54
enforcement of decrees and orders of, ...	"	55
appeals from decrees and orders of, ...	"	55
See *District Judge, High Court.*		
DISTRICT COURT MARTIAL, powers of, ...	V	arts. 57, 66, 82, 136
conviction by, ...	"	art. 57
appointment of, ...	"	" 79
composition of, ...	"	arts. 80, 81
appointed under Order in Council, composition of, ...	"	art. 80, cl. (*b*)
may try desertion and disgraceful conduct	"	art. 95
to be attended by an European officer of not less than four years' service	"	" 101
DISTRICT COURTS (Bombay) sittings and vacation of, ...	XIV	43
'DISTRICT JUDGE' defined	IV	3, cl. (2)
(Bombay) appointment, suspension and removal of, ...	XIV	4
where he shall hold his court	"	6
his original jurisdiction	"	7
his appellate jurisdiction	"	8
to control and inspect Courts	"	9
to obey writs and orders issued by High Court ...	"	10
to furnish reports and returns	"	10
seal of, ...	"	11
temporary vacancy of office of, ...	"	35
delegation of powers of, ...	"	36
to appoint, fine, suspend or dismiss ministerial officer ...	"	38
DISTURBANCE of fair or market, neglecting to compensate for, ...	V	art. 43
of proceedings of Court Martial	"	" 68

	Act.	Sec.
DIVISION, officer commanding, may direct trial by Regimental or Detachment Court Martial of certain offences beyond ordinary jurisdiction	V	art. 95
See *Commissioner.*		
DIVORCE *a mensâ et thoro,* jurisdiction in respect of, ...	IV	4
cruelty entitling to, ...	"	10
decree for, not to be made	"	22
See *Dissolution of Marriage.*		
DIVORCE COURT, Courts to act on principles of English, ...	IV	7
DIVORCE (INDIAN) ACT, 1869	IV	
'DOCK-WARRANT' defined	XVIII	3, cl. (13)
stamp on, ...	"	sch. II, No. 10
DOCK-YARD, sentry over, sleeping upon or quitting his post	V	art. 12
DOCUMENTS, refusal to produce or deliver up, ...	V	" 67
summons to produce, ...	"	" 122
DOLLARS, see *Foreign Currency.*		
DOUBT as to proper stamp, adjudication of, ...	XVIII	39
DRAWING weapons against superior officer, see *Assault.*		
DRIVERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
DRUMMERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
DRUNKENNESS, see *Intoxication.*		
DUMB PERSONS may transfer or bequeath under Oudh Taluqdárs' Act	I	11
DUPLICATE, attested, stamp on, ...	XVIII	sch. I, No. 23
See *Counterpart.*		
DUTY chargeable on documents	XVIII	4
when leviable by adhesive stamps	"	5, cl. (*a*)
levied by impressed stamps	"	5, cl. (*b*)
denoted by Collector or Superintendent of Stamps	"	5, cl. (*b*)
on bills and notes drawn out of British India	"	5, 8
by whom payable in certain cases	"	6
on bills of exchange	"	7
on instrument reserving interest	"	9
where value of subject-matter is indeterminate	"	11
on bond, promissory note or mortgage-deed for payment of annuity ...	"	12
on several instruments used in a single transaction	"	13
on instruments coming within two or more definitions	"	14
instruments exempt from, ...	"	15
See *Appeal, Certificate, Reference.*		
DYING DECLARATION, when may be given in evidence	VIII	371
EDUCATION, see *Minor children.*		
EFFECTS of deceased to be secured	V	art. 176
sale of, ...	"	" 177
of deserters	"	" 179
EMBEZZLEMENT	V	arts. 54, 61
EMIGRANT, increase of space allowed to adult Native, ...	VI	5
EMIGRATION of Native labourers, amendment of law relating to, ...	VI	

	Act.	Sec.
EMIGRATION, power to prohibit, ...	VI	6
EMPLOYMENT of profit, income-tax in respect of, ...	IX	6
See *Agreement.*		
ENDORSEMENT of warrant for arrest, out of jurisdiction of Magistrate issuing, ...	VIII	86
of certificate by Civil Court	XVIII	20
of payment by Civil Court	"	21
of certificate by Collector	"	24, 25, 39
on counterpart	"	sch. II, No. 16
See *Notarial Act, Receipt, Transfer.*		
ENEMY, corresponding with, ...	V	art. 16
assisting, harbouring or protecting, ...	"	" 17
releasing, aiding or suffering escape of, ...	"	" 18
misbehaving in presence of, ...	"	" 19
ENFORCEMENT of decrees and orders of late Supreme Court	IV	5
High Court or District Court	"	55
ENGAGEMENT to issue policy, exempt from stamp	XVIII	15, cl. (16)
ENLISTMENT in another regiment before discharge	V	art. 11
of a deserter	"	" 29
ENQUIRY by police into certain offences to be made only when directed by Magistrate	VIII	133
where officer in charge of police-station sees no sufficient ground for, ...	"	137
ENTRY upon proceedings of permission to try grave offences	V	art. 95
See *Notarial Act.*		
EQUIPMENTS, making away with, or losing, ...	V	art. 47
embezzlement or fraudulent misappropriation of Government, ...	"	arts. 54, 61
furnishing false return of, ...	"	art. 63
ERROR in writing on stamped paper, ...	XVIII	46
ESCAPE of prisoner, negligently suffering, ...	V	art. 35
See *State-prisoner.*		
'ESTATE' defined	I	2
ESTATE TAX leviable under Rural Police Act	III	4, 9, 10, 11
EUROPEAN BRITISH SUBJECT, divorce-jurisdiction over, ...	IV	3, cl. (1)
EUROPEAN COMMISSIONED OFFICER in command may hold Summary Court Martial	V	art. 90
OFFICERS, when General Court Martial may be composed of,	V	arts. 75, 96, 97
EUROPEAN CONVICTS, penalty on shipmaster bringing, to India	XXI	25
'EUROPEAN OFFICERS' defined	V	part I, cl. (*e*)
Courts Martial may be directed to be composed of, ...	"	art. 96
claim to be tried by, ...	"	" 97
conduct of proceedings of Court Martial composed of, ...	"	" 104
affirmation to be taken by, ...	"	arts. 108, 109 110, 111, 112
Americans, Christian European foreigners, and their lineal descendants, triable only by Court Martial composed of, ...	"	part 1, cl. (*d*)
EUROPEAN SUPERINTENDING OFFICER to attend Courts of Native Officers ..	V	art. 101
EUROPEAN VAGRANCY ACT	XXI	
EVIDENCE, High Court may direct additional, to be taken	IV	7
protection-order to be conclusive, ...	"	28
may be required on adjournment	"	45

	Act.	Sec.
Evidence, statements in petitions may be referred to as, ...	IV	47
mode of taking, ...	"	51
to be taken on oath or affirmation	V	arts. 111, 128
of desertion	"	art. 114
written reply of referee to be, ...	"	" 115
of previous convictions and general character	"	" 117
receivable on a revision	"	" 120
before Summary Courts Martial	"	" 128
of unauthorized absence for two months	"	" 162
copy of record of declaration of Court of Enquiry admissible on trial for desertion	"	" 162
so much of statement or confession made by accused as relates to fact thereby discovered may be given in, ...	VIII	150
of prisoners, Act to provide facilities for obtaining, ...	XV	
instruments not duly stamped inadmissible in, ...	XVIII	18
except in criminal proceedings ...	"	18, cl. (*b*)
or in suits where consideration is not stated	"	47
in criminal proceedings	"	19
instrument certified by Civil Court receivable in, ...	"	20
as to amount of duty leviable on an instrument	"	20, 24, cl. (*d*), 39
instrument certified by Collector receivable in, ...	"	24, 39
See *Affidavit, Cross-examination, Cruelty, Re-examination, Witnesses.*		
Exaction of carriage, porterage or provisions	V	art. 41
Examination of accused by Magistrate	VIII	262A
of accused person	"	373
Exchange of immoveables, person to pay duty on, ...	XVIII	6
where money is paid for equality, stamp on, ...	"	sch. I, No. 18
where no money is paid for equality, stamp on, ...	"	" II, No.38
Execution stayed in case of reference	IV	9
of sentence	V	arts. 150–158
of sentences of Summary Courts	"	art. 159
of sentence in cases referred for confirmation	VIII	383 & 385
in cases tried by Court of Session	"	384, 385
See *Death.*		
Exemptions from stamp-duty	XVIII	15
Expenses of prosecutors and witnesses	VIII	438
Extension, see *Petition.*		
Extent of Act	XVIII	
Extortion' defined	V	part I, cl. (*e*) and app. No. I
of money or property	"	art. 41
Extract, stamp on attested, ...	XVIII	sch. I, No. 23
Failure of person subject to Indian Articles of War to rejoin	V	art. 31
to attend parade	"	" 32

	Act.	Sec.
FAILURE to compensate person injured by subordinate	V	43
FAIR, see *Disturbance.*		
FALSE ALARM, intentionally occasioning, in time of war	"	art. 23
in time of peace, intentionally causing, ...	"	" 46
FALSE ENTRY, obtaining pension by, ...	"	" 62
FALSE REPORT, furnishing, ...	"	" 63
FALSE RETURN, furnishing, ...	"	" 63
FALSE STATEMENT on oath or affirmation	"	" 56
obtaining pension or allowance by, ...	"	" 62
in support of petition to High Court, N. W. P.	XIII	4
FARRIERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
FATHER, see *Parents.*		
FEE for decision of doubt as to proper stamp	XVIII	39
FEES under Emigration Act, sections 19, 27 and 34, power to increase, ...	VI	9
FEIGNING disease or infirmity	V	art. 58
FIELD WORK, refusing to superintend or assist in, ...	V	" 38
FILING next friend's undertaking	IV	49
FINE of Native followers for offences in breach of good order	V	art. 166
for breach of cantonment-rule	"	part III, cl. (*c*)
applicable in compensation for loss or damage	VIII	44
levy of, ...	"	61
for executing, &c., instrument not duly stamped	XVIII	29
for presenting, &c., unstamped foreign bill...	"	30
on holder not cancelling adhesive stamp	"	31
for not drawing full number of set	"	32
on executant not cancelling adhesive stamp...	"	33
for not stating consideration	"	34
on attorney, &c., not stating consideration	"	35
how recovered	"	37
under European Vagrancy Act, recovery of, ...	XXI	26
payment of, ...	"	26
under Income Tax Act how recovered	IX	26
FIRE-POLICY, transfer by endorsement of, exempt	XVIII	15, cl. (4)
FIRM' defined	IX	3
recovery of fines from, ...	"	26
paying instalment of income-tax and then dissolving or becoming insolvent ...	"	30
paying whole amount and then dissolving or becoming insolvent... ...	"	31
penalties on, ...	XVIII	26, 29, 30, 31, 32
recovery of fines from, ...	"	37
FOLLOWERS, Indian Articles of War apply to, ...	V	part. I, cl. (*d*)
offending against good order	"	art. 166
FORCE, Officer commanding a, may appoint a Detachment Court Martial... ...	V	" 87
See *Criminal Force.*		

	Act.	Sec.
Forcing safe-guard in time of war	V	art. 22
sentry	"	" 27
Foreign bills, stamp on, ...	XVIII	5, 7, 8
cancelling stamp on, ...	"	31
Foreign currency, duty where consideration or amount is expressed in, ...	XVIII	10
Forests in British Burma, Act to validate certain rules relating to, ...	VII	
Forfeited property, restoration of, ...	VIII	185
Forfeiture on dismissal of claim to pension	V	arts. 3, 4
of arrears of pay or allowances	"	" 57, 76, 78, 82, 85, 89, 94, 137
on conviction of disgraceful conduct	"	" 136, 137
of pay during imprisonment	"	art. 154
of good conduct pay	"	arts. 76, 78, 82, 94, 136, 165
of weapon seized by volunteer	XX	23
Form of petitions and statements	IV	46, & sch.
of petition under Income Tax Act	IX	sch. B.
of order under Prisoners' Testimony Act	XV	schs. A, B
of certificate under European Vagrancy Act	XXI	sch. 1
of agreement under European Vagrancy Act	"	" 2
Francs, see *Foreign Currency.*		
Fraud, transfers and wills brought about by, ...	I	11
Fraudulent misapplication of Government property	V	arts. 54, 61
offence	"	art. 64
'Fraudulently' defined	V	part I, cl. (*e*) & app. No. 1
Frivolous complaint, see *Compensation.*		
Funeral expenses of deceased to be discharged	V	art. 177
Furnishing statements of income or profits	IX	13
Further charge, stamp on instrument of, where possession is not given ...	XVIII	sch. I, No. 11
where possession is given	"	" I, No. 17
Further enquiry	IV	16, 17
Appellate Court may direct, ...	VIII	422
Further evidence	IV	17, 54
Gáro Hills removed from jurisdiction of regular tribunals	XXII	
Garrison Court Martial, conviction by, ...	V	art. 57
appointment of, ...	"	" 79
composition of, ...	"	arts. 81, 82
powers of, ...	"	art. 82
may try desertion and disgraceful conduct	"	" 95
to be attended by a European officer of not less than four years' service	"	arts. 101, 104
may sentence to forfeiture of pay and pension ...	"	art. 136
Garrison-orders, neglecting, ...	V	" 70

	Act.	Sec.
Gazette, see *Notification, Rules.*		
General Court Martial may sentence Commissioned Officers to dismissal ...	V	art. 3
its jurisdiction over persons	„	arts. 3, 4, 7, 71, 76
its jurisdiction over offences	„	„ 7—71,76
conviction by, ...	„	art. 57
appointment of, ...	„	„ 73
composition of, ...	„	arts. 74, 101, 102
when held under Order in Council	„	art. 75
powers of, ...	„	arts. 3, 4, 24, 53, 57, 66, 69, 70, 71, 76, 119, 130, 131, 132, 136, 137, 138, 139, 140
to try mutiny	„	art. 95
may try desertion and disgraceful conduct	„	„ 95
to be attended by Judge Advocate	„	„ 101
procedure of, ...	„	arts. 103,—118, 120, 121, 141
when it may pass sentence of death	„	art. 119
may sentence Commissioned Officer to dismissal, suspension or degradation	„	„ 130
may sentence to forfeiture of pay and pension ...	„	„ 136
to have cognizance of non-military offences beyond limits of British India	„	„ 171
procedure of, in trial of such offences	„	„ 172
to be attended in such trials by Judge Advocate ...	„	„ 172
to award punishments in such cases in accordance with Indian Penal Code	„	„ 173
confirmation of sentences of, in such cases	„	„ 174
provisions as to persons sentenced by, for non-military offences	„	„ 175
for trial of volunteers	XX	9, 10
General Orders as to forfeiture of good conduct pay	V	art. 165
General Stamp Act	XVIII	
Gift of immoveables, stamp on instrument of, ...	„	sch. II, No. 37
Good conduct pay, forfeiture of, by sentence	V	arts. 76, 78, 82, 94, 136

	Act.	Sec.
GOOD CONDUCT PAY forfeited on conviction of disgraceful conduct	V	art. 136
not necessarily forfeited by infliction of minor punishment ...	"	" 165
forfeited on conviction by Court Martial	"	" 165
forfeiture of, in addition to other minor punishment ...	"	" 165
GOOD ORDER, and military discipline, offences against, ...	V	" 70
breach of, by followers	"	" 166
GOODS belonging to Government, embezzlement or fraudulent misapplication of, ...	V	arts. 54, 61
See *Agreement, Memorandum.*		
'GOVERNMENT' defined	V	part I, cl. (*e*)
may order transfer to military custody	"	art. 153
notification from, releasing military prisoner	"	" 160
not to give directions as to Courts Martial in places subject to another Government	"	part III, cl. (*i*)
exemption of transfers of securities of, ...	XVIII	15, cl. (6)
bond to, for due performance of office	"	15, cl. (7)
instruments executed by or on behalf of, ...	"	15, cl. (15)
See *Local Government.*		
GOVERNMENT OF BOMBAY IN COUNCIL may alter and create districts	XIV	3
may alter position of Sadr Station ...	"	4
may appoint Joint Judges	"	12
may appoint Assistant Judges	"	14
may empower Assistant Judges to hear appeals	"	17
may invest Assistant Judge with power of District Judge	"	19
may fix number of subordinate Civil Courts ...	"	21
to appoint Subordinate Judges	"	22
to fix situation of Subordinate Courts ...	"	23
may invest Subordinate Judges of first class with jurisdiction to hear referred appeals ...	"	27
GOVERNMENT OFFICIALS, deduction of income-tax from pay of, ...	IX	8
GOVERNMENT OF FORT ST. GEORGE OR BOMBAY may order dismissal of Commissioned Officer	V	art. 3
or of any other person subject to Articles of War	"	" 4
may authorize officer in actual command to appoint General, District or Garrison Courts Martial	"	art. 73, cl. (*c*)
		" 79, cl. (*c*)
may direct that any Court Martial shall be composed of European Officers	"	" 96
may authorize any officer to appoint Courts Martial so composed ...	"	" 96
may authorize officer in actual command to dispose of sentences ...	"	" 142, cl. (*d*)

	Act.	Sec.
GOVERNMENT OF FORT ST. GEORGE OR BOMBAY may order removal of prisoner to military custody or from one jail to another	V	art. 153
may grant pardons for military offences	"	" 160
may extend Article providing for punishment of Native followers ...	"	" 166
may make orders and issue warrants ...	"	partIII, cl.(*h*)
may authorize officer empowered by Order in Council to confirm, &c., sentences, to refer them for orders to Commander-in-Chief of the Presidency	"	" III, cl. (*h*)
GOVERNMENT SECURITY, see *Agreement, Memorandum.*		
GOVERNMENT SERVANTS, service of summonses upon, ...	VIII	75
GOVERNOR GENERAL IN COUNCIL may extend Rural Police Act	III	22
may appoint 'District Judges' (under Divorce Act) for allied States	IV	3, cl. (2)
may order dismissal of Commissioned Officer ...	V	art. 3
or of any other person subject to Articles of War ...	"	" 4
may authorize officer in actual command to appoint General, District or Garrison Courts Martial ...	"	" 73, cl. (*c*) " 79, cl. (*c*)
may authorize Commander-in-Chief in India to empower Officer Commanding certain Native Troops to appoint General, District or Garrison Courts Martial	"	" 73,cl. (*d*) " 79, cl. (*c*)
may direct that any Court Martial shall be composed of European officers	"	" 96
may authorize any officer to appoint Courts Martial so composed	"	" 96
may authorize officer in actual command to dispose of sentences	"	" 142,cl.(*d*)
may order prisoner in jail to be transferred to military custody, or removed from one jail to another	"	" 153
may grant pardons for military offences ...	"	" 160
to sanction prescription of minor punishments ...	"	" 165
may direct that Native Troops serving out of their own presidency, shall remain subject to the Commander-in-Chief of such Presidency ...	"	part III, cl. (*g*)
may authorize officer empowered by Order in Council to confirm, &c., sentences, to refer them for orders to Commander-in-Chief of Presidency...	"	part III, cl. (*h*)

	Act.	Sec.
GOVERNOR GENERAL IN COUNCIL may make orders and issue warrants	V	part III, cl. (*h*)
may make rules for guidance of officers ...	"	" III, cl. (*j*)
may exempt from income-tax	IX	5
may make rules under Income-Tax Act ...	"	39
may fix value on goods imported or exported by sea	XII	1
may make rules under Prisoners' Testimony Act...	XV	8, 18
may exempt certain prisoners from operation of Prisoners' Testimony Act	"	10
may make rules as to denoting stamps ...	XVIII	5, cl. (*b*)
may lower rates of stamp-duty	"	16
to approve rules for sale of stamps	"	48
may sanction formation of Volunteer Corps ...	XX	5
may disband Volunteer Corps or remove members...	"	7
may exempt certain ship-masters from European Vagrancy Act	XXI	25
may appoint persons to exercise, in Native States, jurisdiction conferred by European Vagrancy Act	"	33
may make rules for guidance of officers under European Vagrancy Act	"	34
may impose duty on salt manufactured in North-Western Provinces, Panjáb, Oudh and Central Provinces	XXV	2
GOVERNOR OF BOMBAY IN COUNCIL may invest Subordinate Judges with small cause powers	XIV	28
may alter limits of ordinary local jurisdiction of first class Subordinate Judges	"	30
may alter limits of ordinary local jurisdiction of second class Subordinate Judges	"	30
may appoint clerks to Civil Courts	"	40
to sanction process fees	"	42
GOVERNOR OF WORK HOUSE, his appointment, suspension and removal... ...	XXI	12
to cause vagrants to be searched	"	13
to endeavour to obtain employment for vagrants ...	"	15
GRANTEE' defined	I	2
GRANTEES (Oudh), rights and liabilities of, ...	I	5
their power as to heir-looms	"	7
lists of, ...	"	8, 9, 10
their powers to transfer and bequeath, ...	"	11, 12, 13
transfers and bequests to, ...	"	14
transfers and bequests by, ...	"	14, 15
their transfers to be in writing signed and attested	"	16
their gifts to religious or charitable uses	"	18
sections of Succession Act applied to wills of, ...	"	19
their bequests to religious and charitable uses	"	20

	Act.	Sec.
GRANTEES (Oudh), rules of succession to intestate, ...	I	22, 23
maintenance of surviving relatives of, ...	"	24, 28
adoption by Muhammadan, ...	"	29
alteration of rules of intestate succession in cases of, ...	"	30, 31
saving of rights of creditors of, ...	"	32
GRASS-CUTTERS, Indian Articles of War apply to,...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
GRATIFICATION, requiring or accepting, ...	V	" 45
GRAVE OFFENCES, trial of, by Courts of inferior jurisdiction	V	" 95
'GRIEVOUS HURT' defined	V	part I, cl. (*e*) & app. No. 1
voluntarily causing, with intent to produce unfitness for service ...	"	art. 59
GUARD, plunder, destruction or injury by person on, ...	V	" 13
abandoning or delivering up, ...	"	" 14
GUARDIAN chargeable with income-tax	IX	12
HANGING	V	art. 141
HARBOURING enemy	V	" 17
deserters	"	" 28
HARD LABOUR, commutation of sentence of, ...	V	" 148
for disgraceful conduct, publication of sentence of, ...	"	" 158
HEAD OF THE VILLAGE (Presidencies of Madras and Bombay) to make enquiry and report on unnatural and sudden death	VIII	161
HEAD-QUARTERS, monthly returns of trials furnished to, ...	V	art. 95
'HEIR' defined	I	2
HEIRLOOMS, power of Oudh Taluqdárs as to, ...	I	7
HIGH COURT' defined	IV	3, cl. (1)
exercise of matrimonial jurisdiction of, ...	"	4
enforcement of former decrees of, ...	"	5
pending suits in, ...	"	6
to act on principles of English Divorce Court	"	7
extraordinary jurisdiction of, ...	"	8
may transfer suits	"	8
references to, ...	"	9
petitions to, ...	"	10, 18, 23, 26, 27, 32, 34, 36, 42, 44
its decrees for dissolution to be *nisi*	"	16
showing cause why such decrees should not be made absolute ...	"	16
may reverse decree *nisi*	"	16
may require further inquiry	"	16
to confirm decrees of District Judge for dissolution	"	17
may remove suits and try them	"	17
may direct District Judge to take steps in case of collusion ...	"	17
to confirm District Judge's decree of nullity	"	20
may reverse decrees of separation	"	26
to ascertain damages	"	34

	Act.	Sec.
HIGH COURT may order alimony	IV	36, 37
may order settlements	"	39
may enquire into existence of settlements	"	40
may make orders as to custody of children	"	41-44
to approve of minor's next friend	"	49
may close doors	"	53
may adjourn	"	54
appeals from, ...	"	55, 56
enforcement of decrees and orders of, ...	"	55
its powers to make rules	"	62
See *Orders*.		
reference to, by Chief Controlling Revenue Authority	XVIII	41
HIGH COURT, BOMBAY, may prescribe qualification-tests for Subordinate Judges ...	XIV	22
may appoint Commissioners to investigate into charges of misconduct by Subordinate Judges	"	33
may suspend Subordinate Judges pending enquiry ...	"	34
may make rules as to appointment, fining, suspension and dismissal of ministerial officers	"	38
to prescribe duties of ministerial officers	"	39
to prescribe rules for keeping and recording proceedings ...	"	41
to regulate fees for procees	"	42
may permit Civil Courts to adjourn	"	43
HIGH COURT, NORTH-WESTERN PROVINCES, further amendment of procedure of, ...	XIII	
HINDÚ OFFICERS, affirmation to be taken by, ...	V	arts. 109, 112
HINDÚS, their affirmation on enlistment	V	art. 1
at Court Martial	"	arts. 109, 111, 112
HIRE, see *Agreement*.		
HORSE, making away with or losing, ...	V	art. 47
HOSPITAL ASSISTANTS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
guilty of unbecoming conduct	"	" 25
formation of Court for trial of, ...	"	" 81
not triable by Summary Courts Martial	"	" 92
sentences on, ...	"	" 131
not triable by Court inferior to a District or Garrison Court Martial	"	" 131
commutation of sentence of dismissal on, ...	"	" 145
confirmation of sentence on, ...	"	" 146
not liable to minor punishment	"	" 165
HOSPITAL ATTENDANTS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
HOUSE-BREAKING in time of war	V	art. 22
in time of peace	"	" 42
HOUSE TAX leviable under Rural Police Act	III	4—8
HUNDÍ included (for purposes of Stamp Act) in 'Bill of Exchange'	XVIII	3, cl. (3)
HURT' defined	V	part I, cl. (*e*) & app. No. 1

	Act.	Sec.
HURT voluntarily causing, with intent to produce unfitness for service	V	art. 59
HUSBAND when he may petition for a dissolution	IV	2, 10
apostacy and remarriage of, ...	„	2, 10
may petition for a decree of nullity	„	18
may petition for a judicial separation	„	22
of separated wife, non-liability of, ...	„	25
may petition for reversal of decree of separation	„	26
seizing wife's property after notice of protection-order	„	30
may petition for restitution of conjugal rights	„	32
may claim damages against adulterer	„	34
settlement of wife's property for benefit of, ...	„	39
may offer himself as a witness	„	51
may give evidence as to cruelty or desertion	„	52
See *Agreement, Children, Costs, Income, Necessaries, Power.*		
HYDERABAD ASSIGNED DISTRICTS, Act to facilitate administration to the estates of deceased British subjects in, ...	XIX	
HYDERABAD CONTINGENT, see *Officer Commanding Force not attached to a Presidency.*		
HYPOTHECATION, see *Letter of hypothecation.*		
IDIOCY, decree of nullity on ground of, ...	IV	19
IDIOTS, suits on behalf of, ...	IV	48
See *Committee.*		
IGNOMINY, dismissal with, ...	V	art. 157
ILLEGAL OMISSION, see *Abetment.*		
ILL-TREATING subordinate	V	art. 40
ILL-TREATMENT, not causing reparation for, ...	V	„ 43
IMPEDING Provost Marshal, &c.	V	„ 39
IMPORTUNITY, transfers and wills brought about by, ...	I	11
IMPOTENCE a ground for a decree of nullity	IV	19
IMPOUNDING unstamped instruments produced in Court	XVIII	22
in public office	„	23
'IMPRESSED' defined	XVIII	3, cl. (14)
stamp	„	5, cl. (*b*)
employment of single, ...	„	49
IMPRISONMENT of Native follower for offence in breach of good order	V	art. 166
by sentence of Court Martial for fourteen years	„	arts. 24, 76, 130, 143, 144
for three years	„	art. 57
may be inflicted by any Court Martial on any person below rank of warrant officer	„	„ 132
limit of, ...	„	„ 133
sentence of, on offender already under sentence of imprisonment ...	„	„ 140
substituted for sentence of death	„	„ 143
substituted for sentence of transportation	„	„ 144
with hard labour, commutation of sentence of, ...	„	„ 148
with hard labour, execution of sentence of, ...	„	„ 151

	Act.	Sec.
IMPRISONMENT forfeiture of pay and allowances during, ...	V	art. 154
for breach of cantonment-rules	"	part III, cl. (e)
of stamp vendor	XVIII	48
of vagrant or European beggar, procedure on close of, ...	XXI	24
INADVERTENCE, omission to stamp by, ...	XVIII	24, cl. (b)
INÁM LANDS (Madras and Bombay), exemption of receipts to cultivators for rent of, ...	XVIII	15, cl. (1)
'INCESTUOUS ADULTERY' defined	IV	3, cl. (7)
dissolution on ground of, ...	"	10
INCOME of husband to be considered in ordering alimony	IV	36
or profits, tax on, ...	IX	11
INCOME TAX ACT	IX	
enhancement of duties leviable under, ...	XXIII	
INDECENT OFFENCE	V	art. 65
INDEMNITY of persons making payments to wife without notice of reversal of decree or protection-order	IV	60
INDEMNITY-BOND, person to pay stamp on, ...	XVIII	6
stamp on, ...	"	sch. I, No. 9
INDEXES to vernacular versions of Act	XVIII	51
INDIAN SUCCESSION ACT (sec. 4)	IV	27
INFIRMITY, feigning, producing or aggravating, ...	V	art. 58
INFORMER, reward to, ...	XVIII	38
INJUNCTION pending enquiry as to nuisance or obstruction	VIII	314
INJURIES, see *Wrongs*.		
INJURING Government property	V	art. 55
oneself or another, see *Hurt*.		
INJURY to instrument sent to Collector	XVIII	23
INQUIRY, High Court may require further, ...	IV	16
into existence of settlements	"	40
INSOLENCE to superior officer	V	art. 37
INSOLVENCY, recovery of instalment of income-tax in case of, ...	IX	30, 31
INSPECTOR GENERAL OF JAILS may exercise power of Local Government under sec. 49 of Criminal Procedure Code	VIII	49A
INSTALMENTS, payment of income-tax by, ...	IX	29
death or insolvency of person paying first, ...	"	30
dissolution or insolvency of firm paying first, ...	"	30
recovery of second, ...	"	32
INSTIGATION, see *Abetment*.		
INSTRUMENT securing permanent alimony	IV	37
validity of, notwithstanding coverture	"	39
See *Settlement*.		
INSTRUMENTS, making away with, or losing, ...	V	art. 47
embezzlement or fraudulent misappropriation of Government, ...	"	arts. 54, 61
INSUBORDINATION to superior officer	V	art. 37

	Act.	Sec.
INSUBORDINATION in presence of Court Martial	V	art. 68
INSULTING religion	V	„ 44
Court Martial	„	„ 68
INTEREST, duty on instrument reserving, ...	XVIII	9
exemption of receipt for, ...	„	15, cl. (3)
stamp on assignment of, secured by bond or mortgage-deed	„	sch. I, No. 13
INTERIM ORDERS as to minor children	IV	43, 44
INTERPRETER to Courts Martial, appointment of, ...	V	art. 102
not to vote	„	arts. 102, 125
oath to be taken by, ...	„	„ 108, 112
oath to be administered by, ...	„	„ 109, 110, 112
to attend Summary Court Martial	„	art. 125
to make oath or affirmation at such Court	„	„ 127
to sign proceedings of such Court when closed...	„	„ 127
INTERRUPTION to Court	V	„ 68
INTERVENTION, see *Collusion, Costs.*		
INTESTACY of separated wife	IV	24
INTOXICATION on duty	V	art. 26
INVENTORY of effects of deceased	V	„ 176
JAIL, delivery of offender to officer in charge of, ...	V	arts. 150, 151, 166
Commander-in-Chief in India, or of any presidency, may direct offender to be imprisoned in any, ...	„	art. 152
release of prisoner by officer in charge of, ...	„	„ 161
See *Prisoners.*		
JINTIÁ HILLS, Gáro Hills' Act extendible to, ...	XXII	9
JOINT JUDGES (Bombay) power to appoint, ...	XIV	12
successors to, ...	„	12
transfers of, ...	„	12
enactments applying to District Judge to apply to, ...	„	13
seal of, ...	„	13
JUDGE ADVOCATE' defined	V	part I, cl. (*e*)
need not be appointed to General Court Martial appointed under Order in Council	„	art. 101
to attend other General Courts Martial, and conduct proceedings ...	„	„ 101
oath or affirmation of, ...	„	arts. 110, 112
may summon witnesses for General Court Martial	„	art. 122
to attend General Courts Martial for trial of non-military offences	„	„ 172
JUDGMENT for debt, soldier's arms, &c., exempt from seizure in satisfaction of, ...	V	art. 3, cl. (*b*)
of High Court on case referred by Revenue Authority	XVIII	41
JUDICIAL COMMISSIONER in Sindh to be a 'District Judge'	IV	3, cl. (2)
JUDICIAL SEPARATION, when decree for, may be made	IV	21
effect of decree for, ...	„	22
obtainable either by husband or wife	„	22
ground of, ...	„	22

	Act.	Sec.
JUDICIAL SEPARATION, application for, ...	IV	23
decree for, ...	"	23
rights of wife as to after-acquired property in case of, ...	"	24
wife's rights and liabilities as to contracts and torts ...	"	25
effect of decree for, as to persons dealing with wife ...	"	60
JUDICIAL STAMPS, saving of, ...	XVIII	17
JUNIOR MEMBER of Court to vote first	V	art. 118
JUNIOR WIDOW of Oudh Taluqdár, maintenance of, ...	I	25
JURISDICTION in matters matrimonial to be exercised according to Divorce Act ...	IV	4
See *Chief Controlling Revenue Authority, Collector, Magistrate.*		
JURORS, oath to be taken by, ...	VIII	322
revision of list of, ...	"	331
JURY to try propriety of order to remove nuisance	VIII	310
Local Government may order trials before Court of Session to be by, ...	"	322
JUSTICES OF THE PEACE for the Mofussil, appointment of, ...	II	3
for the Presidency towns, appointment of, ...	"	4
powers and duties of, ...	"	5
in Native States, powers of, ...	"	6
declarations to be taken by, ...	"	7
deposit and keeping of subscriptions of, ...	"	8
power to suspend or dismiss, ...	"	9
stamp on proxy to vote at meeting of, ...	XVIII	sch. II, No. 8
KABÚLIYÁT included (for purposes of Stamp-Act) in 'counterpart'	XVIII	3, cl. (12)
KHÁSI HILLS, Gáro Hills' Act extendable to British portion of, ...	XXII	9
See *Act VI of* 1835.		
LABOURERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
LAND CUSTOMS, Act for collecting, on foreign frontiers of Madras and Bombay ...	XI	
LASCARS, Indian Articles of war apply to, ...	V	" I, cl. (*d*)
attestation of, ...	"	art. 2
'LEASE' defined	XVIII	3, cl. (15)
person to pay duty on, ...	"	6
to ryot, when exempt from duty	"	15, cl. (9)
stamp on, ...	"	sch. I, No. 19
See *Surrender.*		
LEAVE, see *Absence, Overstaying.*		
'LEGATEE' defined	I	2
LETTER OF ALLOTMENT of share	XVIII	15, cl. (2)
LETTER OF COVER or engagement to issue policy, exempt	XVIII	15, cl. (16)
LETTER OF CREDIT defined	XVIII	3, cl. (16)
stamp on, ...	"	sch. II, No. 2
LETTER OF HYPOTHECATION accompanying bill of exchange, exempt	XVIII	15, cl. (5)
LETTER OF LICENSE defined	XVIII	3, cl. (17)
stamp on, ...	"	sch. II, No. 29
LETTERS to prove agreement, stamp on one, ...	XVIII	" II, No. 11
LIABILITY of husband or his creditor taking wife's property after notice of protection-order	IV	30

	Act.	Sec.
LIABILITY of minor's next friend	IV	49
LICENSES, see *Marriage Licenses.*		
LIEUTENANT GOVERNOR OF BENGAL may appoint officers to exercise civil jurisdiction in Bhután Dvárs	XVI	3
may make rules for guidance of officers under Bhután Dvárs Act	"	6
may appoint Civil, Criminal and Revenue Officers in Gáro Hills	XXII	5
may fix place of imprisonment or transportation of persons sentenced under Gáro Hills Act ...	"	6
may prevent private collection of cesses in Gáro Hills	"	7
may extend laws to Gáro Hills	"	8
may extend Gáro Hills Act to Jintiá and Nága Hills, and to British portion of Khási Hills .	"	9
LIEUTENANT GOVERNOR OF THE NORTH-WESTERN PROVINCES may extend Rural Police Act ...	III	22
may make rules for manufacturing salt	XXV	1
may make rules for collection of duty on salt	"	3
LIEUTENANT GOVERNOR OF THE PANJÁB may extend Rural Police Act ...	III	22
may make rules for manufacturing salt ...	XXV	1
may make rules for collection of duty on salt	"	3
LIMIT of imprisonment under Indian Articles of War	V	arts. 133, 140
of solitary confinement	"	art. 134
of stoppages	"	" 139
LIMITATION of trials for military offences	V	" 98
of powers of Government and Commander-in-Chief of a presidency ...	"	part III, cl. (i)
LIMITS of jurisdiction under Parts III and V of European Vagrancy Act ...	XXI	28
LINE OF MARCH, drunkenness on, ...	V	art. 26
trial of offences committed on, ...	"	arts. 85, 87, 89, 95, 129
LIST of jurors, revision of, ...	VIII	331
LISTS of Oudh Taluqdárs and Grantees	I	8, 9, 10
LOCAL GOVERNMENT may give order as to transportation of prisoner under Articles of War	V	art. 150
may order prisoner's transfer or removal	"	" 153
may sentence Native followers to fine, imprisonment or corporal punishment	"	" 166
may delegate its power of appointing Magistrates ...	VIII	23A
may determine local jurisdiction of a Magistrate of a District ..	"	23C
may appoint Magistrates in charge of divisions of districts ..	"	23D
may vary or cancel powers conferred under Criminal Procedure Code	"	23F
may confer certain powers of Magistrate of District ...	"	23H
may define what Magistrates and Subordinate Magistrates shall entertain cases on direct complaints or on report of police ...	"	66 A
may order trials before Court of Session to be by jury ...	"	322

	Act.	Sec.
LOCAL GOVERNMENT may declare goods passing frontiers of Native States liable to Customs duties	XI	4
may make rules under Prisoners' Testimony Act	XV	18
may authorize persons to institute prosecutions	XVIII	43
to make rules for sale of stamps	"	48
to cause Act and schedules to be translated and indexed ...	"	51
may sanction formation of Volunteer Corps	XX	5
may disband Volunteer Corps or remove members ...	"	7
Locus delicti	IV	2
LOSS of standing	V	arts.76,78,82 85, 89, 94, 130, cl. (*d*), 131
of instrument sent to Collector under Stamp Act	XVIII	23
LUNACY, decree of nullity on ground of, ...	IV	19
LUNATIC, procedure where accused appears to have been, ...	VIII	226 A
prisoners to be visited	"	395
procedure where they are certified to be capable of making defence	"	395, cl. (2)
procedure where they are capable of being discharged ...	"	395, cl. (3)
See *Committee*.		
LUNATICS, when they may transfer or bequeath under Oudh Taluqdárs' Act ...	I	11
children of, ...	IV	21
suits on behalf of, ...	"	48
MADRAS, see *Voyage*.		
MAGAZINE, sentry over, sleeping upon or quitting his post in time of war ..	V	art. 12
MAGISTRATE, witnesses not amenable to military authority to be summoned through,	V	" 122
persons not subject to Articles of War and committing contempts to be delivered to, ...	"	" 123
persons accused of non-military offences to be delivered to nearest, ...	"	" 170
suspected deserters to be brought before, ...	"	part III, cl. (*d*)
may direct police to enquire into any offence	VIII	133
may issue warrant to arrest person guilty of offence triable by Court of Session	"	179
defined	IX	3
may issue warrants for levy of fines on firms	XVIII	37
may reward informers	"	38
jurisdiction of, ...	"	44
defined	XXI	3
MAGISTRATE OF DISTRICT may empower Magistrate or Subordinate Magistrate to hear cases either on direct complaint or on report of police	VIII	66B
MAGISTRATES to be subordinate to Magistrate of District	VIII	23G
MAHOUTS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	"	art. 2
MAIMING oneself or another	V	" 59

	Act.	Sec.
MAINTENANCE of surviving relatives of Oudh Taluqdárs and Grantees	I	24-28
of wife, power to order monthly or weekly payments for, ...	IV	37
of children, see *Minor Children.*		
MALINGERING	V	art. 58
MARINE POLICY, transfer by endorsement of, exempt from duty	XVIII	15, cl. (4)
fine for not drawing full number of set	„	32
See *Policy.*		
MARKET, see *Disturbance.*		
MARRIAGE with another woman	IV	3, cl. (8)
dissolution on ground of apostate's, ...	„	10
dissolution on ground of, when coupled with adultery	„	10
MARRIAGE-LICENSES grantable as before the Divorce Act	IV	4
MARRIED WOMAN may bequeath under Oudh Taluqdárs' Act	I	11
'MASTER OF A SHIP' defined	XXI	3
MAULMAIN, divorce-jurisdiction of Recorder at, ...	IV	3, cl. (2)
MAURITIUS, see *Voyage.*		
MEDAL, selling, pawning, destroying or defacing, ...	V	art. 47
MEETING, see *Proxy.*		
MEMORANDUM of agreement for sale of goods, exempt	XVIII	15, cl. (8)
for sale of Government security, share or bill, stamp on, ...	„	sch. II, No. 3
of balance of account or acknowledgment, stamp on, ...	„	„ No. 5
not otherwise provided for, stamp on, ...	„	„ No. 11
of Association, stamp on, ...	„	„ No. 34
MERCHANDISE, see *Agreement, Memorandum.*		
MILITARY GUARD, Native followers may be confined in, ...	V	art. 166
MILITARY STORES, embezzlement or fraudulent misappropriation of Government, ...	V	arts. 54, 61
MILITARY WORK, refusal to aid in making, ...	V	art. 38
MINISTERIAL OFFICERS, Civil Courts (Bombay), appointment, fining, suspension and dismissal of, ...	XIV	38
'MINOR' defined	I	2
suits by, ...	IV	49
'MINOR CHILDREN' defined	IV	3, cl. (5)
order for application of settled property not to be made at expense of, ...	„	40
custody, maintenance and education of, (in suits for separation)	„	41
after decree for separation	„	42
in suits for dissolution or decree of nullity	„	43
after decree of dissolution or confirmation	„	44
'MINORITY' defined	I	2
MINOR PUNISHMENTS under Indian Articles of War	V	art. 165
MINOR SON of deceased Oudh Taluqdár, maintenance of, ...	I	26-28
MISBEHAVIOUR in presence of enemy	V	art. 19
MISCONDUCT conducing to adultery	IV	14
MISTAKE, omission to stamp through, ...	XVIII	24, cl. (*b*)

	Act.	Sec.
MITIGATION of sentences of Courts Martial	V	art. 142, cl. (*i*)
of sentence of reduction and corporal punishment or imprisonment ...	„	„ 149
MONEY, embezzlement or fraudulent misapplication of Government, ...	V	arts. 54, 61
furnishing false return of, ...	„	art. 63
MONTHLY PAYMENT, see *Maintenance.*		
MORTGAGE-DEED' defined	XVIII	3, cl. (18)
person to pay duty on, ...	„	6
stamp on, where possession not transferred	„	sch. I, No. 10
where possession is transferred	„	„ No. 16
for due execution of an office, stamp on, ...	„	„ No. 12
as a collateral security, stamp on, ...	„	„ II, No. 20
See *Conveyance, Mortgage-money.*		
MORTGAGE-MONEY to be deemed purchase-money for purposes of Stamp Act ...	XVIII	34, cl. (*b*)
MUÁFÍDÁR taxable under Rural Police Act	III	4, 12, 13
MUKHTÁR not stating true consideration, penalty on, ...	XVIII	35
MUNICIPAL COMMISSIONERS, stamp on proxy to vote at meetings of, ...	XVIII	sch. II, No. 8
MUNICIPALITY, deduction of income-tax from pay of servants of, ...	IX	9
MUSICAL INSTRUMENTS making away with or losing, ...	V	art. 47
MUSICIANS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	„	art. 2
MUSSULMAN OFFICERS, affirmation to be taken by, ...	V	arts. 109, 112
MUSSULMANS, affirmation of, on enlistment	V	art. 1
at Courts Martial	„	arts. 109, 111, 112
MUTINY, beginning or concealing, ...	V	art. 7
not triable by Summary Court Martial	„	„ 93
triable by General Court Martial	„	„ 95
NÁGA HILLS, Gáro Hills' Act extendable to, ...	XXII	9
NAJÍB-UL-TARFAIN	I	21, 22, par. (10)
NATIVE COMMISSIONED OFFICERS, persons not liable to trial by Courts composed of,...	V	part I, cl. (*d*), art. 92
dismissal of, ...	„	„ 3
when General Court Martial may be composed of,	„	„ 75
triable only by General Court Martial ...	„	arts. 92, 130
sentences on, ...	„	art. 92
not liable to minor punishments	„	„ 165
NATIVE DOCTORS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	„	art. 2
behaving unbecomingly	„	„ 25
District or Garrison Court Martial for trial of, ...	„	„ 81
not triable by Summary Court Martial	„	„ 92
not triable save by General, District or Garrison Court Martial	„	„ 131
sentences on, ...	„	„ 131
commutation of sentence of dismissal on, ...	„	„ 145
confirmation of sentence on, ...	„	„ 146

	Act.	Sec.
NATIVE DOCTORS not liable to minor punishment	V	art. 165
NATIVE FATHERS, children of, ...	IV	3, cl. (5)
NATIVE FOLLOWERS committing breach of good order	V	art. 166
NATIVE STATES, 'High Court' (under Divorce Act) for, ...	IV	3, cl. (1)
'District Judge' (under Divorce Act) in, ...	"	3, cl. (2)
NATIVE TROOPS belonging to one presidency and serving in another	V	part III, cl. (*g*)
not attached to presidency, see *Governor General in Council.*		
NECESSARIES supplied for use of separated wife, when husband liable for, ...	IV	25
NEGLECT of garrison or other orders	V	art. 70
See *Failure, Wilful Neglect.*		
'NEGOTIABLE INSTRUMENT' defined	XVIII	3, cl. (19)
exemption of transfer by endorsement of, ...	"	15, cl. (4)
never brought into use	"	46
See *Bill of Exchange, Promissory Note.*		
NEPHEWS of deceased Oudh Taluqdár, maintenance of, ...	I	26-28
NEXT FRIEND of minor to give undertaking under Divorce Act	IV	49
form of undertaking by, ...	"	sch. No. 14
NON-COMMISSIONED OFFICERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
dismissal of, ...	"	arts. 4, 5
reduction of, to ranks	"	art. 132
may be lowered in list	"	" 132
to be sentenced to reduction to ranks before being sentenced to imprisonment or corporal punishment	"	" 135
when exempt from income-tax	IX	4
leaving army and becoming vagrant, liability of employer of, ...	XXI	31
NON-MILITARY OFFENCES, procedure under Indian Articles of War in case of, ...	V	arts. 170-175
NON-REGULATION PROVINCES, 'High Court' for, ...	IV	3, cl. (1)
'District Judge' in, ...	"	3, cl. (2)
NORTH-WESTERN PROVINCES, Act for maintenance of rural police in, ...	III	
manufacturing, &c., of salt in, ...	XXV	1
'NOTARIAL ACT' defined	XVIII	3, cl. (20)
stamp on, ...	"	sch. II, No. 23
NOTE evidencing balance or acknowledgment, stamp on, ...	XVIII	" II, No. 5
See *Notarial Act.*		
NOTICE of protection-order	IV	30
of reversal, discharge or variation of decree or protection-orders ...	"	60
to be served on persons chargeable with income-tax	IX	16
under Income Tax Act, power to issue fresh, ...	"	23
failure to pay amounts specified in, ...	"	25
service of, ...	"	37
of protest of master of a ship, stamp on, ...	XVIII	sch. II, No. 12
NOTIFICATION in Gazette of appointment of 'District Judge' in allied State ...	IV	3, cl. (2)
of annulment, remission or pardon	V	art. 161
NOT REJOINING, trial for, ...	V	arts. 31, 115

	Act.	Sec.
NUISANCE, Magistrate of District may order removal of, ...	VIII	308
jury for trial of propriety of order for removal of, ...	"	310
disobedience or neglect by person ordered to remove, ...	"	311
procedure where jury approves order to remove,...	"	312
procedure where Magistrate is satisfied that order is not reasonable ...	"	313
NULLITY OF MARRIAGE, suits for declaration of, ...	IV	2, 18
grounds for decree of, ...	"	19
confirmation of decree of nullity made by District Judge ...	"	20
OATH of Sikhs reported fit for duty	V	art. 1
of interpreter	"	arts. 108, 112
of President and Members of Court Martial	"	" 109, 112
of interpreter at Summary Court Martial	"	art. 127
of Commanding Officer holding Summary Court Martial	"	" 127
to be taken by jurors	VIII	322
OBJECTION to assessment under Income Tax Act	IX	19
OFFENCES not specified, cognizable by Court Martial	V	art. 70
OFFICE, bond to Government for due performance of duties of, exempt from duty ...	XVIII	15, cl. (7)
bond for due performance of duties of, stamp on, ...	"	sch. I, No. 12
See *Impounding, Refusal.*		
OFFICER behaving in an unbecoming manner	V	art. 25
complaints against, ...	"	" 167
OFFICER COMMANDING A DETACHMENT, STATION OR DETACHED FORCE		
to furnish certificate to person dismissed or discharged	V	" 6
may appoint a Regimental Detachment Court Martial	"	" 86
may appoint a Detachment Court Martial	"	" 87
may appoint Summary Court Martial	"	" 90
may constitute Summary Court Martial	"	" 91
persons triable by him	"	" 92
offences triable by him	"	" 93
to submit for orders cases for trial of grave offences by inferior courts ...	"	" 95
when to order accused to be placed in arrest or confinement	"	" 100
when to appoint interpreter...	"	" 102
may be interpreter at Summary Court Martial	"	" 125
his oath or affirmation at Summary Court Martial	"	" 127
to record previous convictions and general character of offender ...	"	" 128
to confirm or otherwise dispose of sentences	"	art. 142, cls. (g), (i)
may carry into effect sentences of Summary Courts Martial forthwith ...	"	art. 159
may punish offences of Native followers in breach of good order ...	"	" 166
to secure and cause inventory to be made of deceased's property	"	" 176
to sell deceased's effects and discharge his debts	"	" 177
to remit surplus proceeds of deceased's estate	"	" 178
to remit surplus of deserters' effects	"	" 179
his written application for apprehension and delivery of military offender ...	"	part III, cl. (e)

	Act.	Sec.
OFFICER COMMANDING A DIVISION OR DISTRICT		
may appoint General Court Martial, when authorized by warrant ...	V	art. 73, cl. (*d*)
may appoint Detachment General Court Martial when authorized by warrant	„	„ 77, cl. (*b*)
may appoint District Court Martial and Garrison Court Martial when authorized by warrant	„	„ 79, cl. (*b*)
case of grave offence when to be submitted for orders of, ...	„	„ 95
to appoint interpreters	„	„ 102
proceedings of Summary Court Martial to be forwarded to, ...	„	„ 129
sentences when not to be carried into effect unless disposed of by, ...	„	„ 142, cl. (*b*)
his power to mitigate, remit or annul sentences	„	„ 142, cl. (*i*)
his power to commute sentence of dismissal on Commissioned Officers, &c....	„	„ 145
release of prisoners on receiving notification under hand of, ...	„	„ 161
OFFICER COMMANDING A FORCE NOT ATTACHED TO A PRESIDENCY		
may dismiss any person other than a Commissioned Officer	V	„ 4
may appoint General Court Martial when authorized by warrant ...	„	„ 73, cl. (*e*)
may appoint Detachment Court Martial when authorized by warrant ...	„	„ 77, cl. (*c*)
may appoint District and Garrison Courts Martial when authorized by warrant	„	„ 79, cl. (*e*)
may appoint interpreters	„	„ 102
may set aside trials by Summary Court Martial	„	„ 129
sentences not to be carried out till confirmed by, ...	„	„ 142, cl. (*d*), „ 146
may mitigate, remit, commute or annul sentences	„	„ 142, cl. (*i*)
may commute sentence of dismissal on Commissioned Officers, &c. ...	„	„ 145
his powers as to prisoners and their removal or release	„	arts. 152, 161
his confirmation of recommendation that person absent as prisoner of war shall receive arrears	„	art. 163
may reduce Non-Commissioned Officers to ranks	„	„ 164
OFFICER COMMANDING A FORCE OUT OF BRITISH INDIA AND NOT IN ALLIED TERRITORY		
when he may appoint Detachment General Court Martial	V	„ 77
may appoint interpreters to Courts Martial	„	„ 102
sentences not be carried into effect until confirmed by, ...	„	„ 142, cl. (*e*)
may mitigate, remit, commute or annul sentences	„	„ 142, cl. (*i*)
may commute sentences of dismissal on Commissioned Officers	„	„ 145
may convene General Court Martial for trial of non-military offences committed out of British India	„	„ 171
his confirmation of sentences of General Courts Martial for trial of non-military offences	„	„ 174
OFFICER COMMANDING A NATIVE FORCE WHEN ACTING UNDER AN ORDER IN COUNCIL		
may appoint General Courts Martial	V	„ 73, cl. (*c*)
may appoint District and Garrison Courts Martial	„	„ 79, cl. (*c*)
to appoint interpreters to Courts Martial	„	„ 102
sentences not to be carried into effect until disposed of by, ...	„	„ 142, cl. (*c*)
may mitigate, remit, commute or annul sentences	„	„ 142, cl. (*i*)

	Act.	Sec.
OFFICER COMMANDING A NATIVE FORCE WHEN ACTING UNDER AN ORDER IN COUNCIL		
may commute sentences of dismissal on Commissioned Officers	V	art. 144
OFFICER COMMANDING AT A POST OR ON MARCH		
to cause reparation to be made to injured person	V	„ 43
may punish offences of Native followers in breach of good order ...	„	„ 166
OFFICER COMMANDING A REGIMENT		
to make usual declaration or charge to recruits	V	„ 1
to furnish certificate to person dismissed or discharged	„	„ 6
may appoint Regimental Court Martial	„	„ 83
may appoint Summary Court Martial	„	„ 90
may constitute Summary Court Martial	„	„ 91
persons triable by him	„	„ 92
when to refer to superior authority before holding Summary Court Martial...	„	„ 93
to submit for orders cases of trial of grave offences by inferior courts ...	„	„ 95
when to order accused to be placed in arrest or confinement	„	„ 100
may interpret at Summary Court Martial	„	„ 125
his oath or affirmation at Summary Court Martial	„	„ 127
to record previous convictions and general character of offender ...	„	„ 128
to sign proceedings of Summary Court Martial	„	„ 129
to confirm or otherwise dispose of sentences	„	„ 142, cls. (*f*), (*i*)
may execute sentences of Summary Court Martial forthwith	„	art. 159
to record declaration of Court of Enquiry as to unauthorized absence from duty	„	„ 162
his power to punish Native followers	„	„ 166
to secure and cause inventory to be made of deceased's effects	„	„ 177
remittal of surplus amount in hands of, ...	„	„ 178
to remit surplus proceeds of effects of deserters	„	„ 179
to give written information of desertion	„	part III, cl. (*d*)
his application for apprehension and delivery of persons accused of military offences	„	„ III, cl. (*e*)
OFFICER COMMANDING TROOPS IN THE FIELD		
may appoint Provost Marshal	V	art. 168
his orders to Provost Marshal as to corporal punishment	„	„ 169
OFFICERS of the army when exempt from income-tax	IX	4
OFFICES, income-tax in respect of, ...	IX	6
OFFICIATING JUDGE ADVOCATE, see *Judge Advocate.*		
OMISSION to give information of mutiny	V	art. 7
to inform superior officer of discovery of correspondence with enemy ...	„	„ 16
to give notice of a person having deserted, or of a deserter having been received	„	„ 28
of true statement, &c., obtaining pension or allowance by, ...	„	„ 62
to make or send returns or reports	„	„ 63
to attend Court Martial as witness	„	„ 67
to prejudice of discipline	„	„ 70

	Act.	Sec.
Optional stamp	XVIII	11
Oral examination of witnesses	IV	51
Order, Members of Court Martial to preserve, ...	V	art. 118
for payment on demand, stamp on, ...	XVIII	sch. II, No. 1
Order in Council authorizing officers to appoint General Courts Martial Courts Martial held under	V	arts. 73, 75, 79, 80, 96, 97, 101, 104, 107, 119, 142,
See *Abetment, Copy.*		cl. (*c*)
Orders of Supreme Court in matrimonial causes	IV	5
under Divorce Act, stay of execution of District Judge's, ...	"	9
as to time of making decrees for dissolution absolute	"	16
as to shewing cause why decree should not be made absolute	"	16
as to time of confirming District Judge's decree for dissolution	"	17
as to manner of applying for removal of suit on ground of collusion ...	"	17
protecting deserted wife's earnings and other property	"	28
to be conclusive as to time of desertion ...	"	28
contents of, ...	"	28
discharge, variation or reversal of, ...	"	29
liability of husband seizing her property after notice of, ...	"	30
wife's position during continuance of, ...	"	31
as to application of settled property	"	40
as to custody, maintenance and education of children	"	41, 42, 43
as to placing children under protection of Court	"	42, 43
as to service of petitions	"	50
under Indian Articles of War, neglecting, ...	V	art. 70
power to make, ...	"	part III, cl. (*h*)
Ordnance establishment, Summary Court Martial may be held by European Officer in charge of, ...	V	art. 90
Oudh Estates' Act	I	
See *Chief Commissioner.*		
Overstaying leave	V	art. 30
procedure on trial for, ...	"	" 115
Panchâyats, saving of regulations constituting and guiding, ...	V	part I, cl. (*f*)
Panjâb, manufacturing, &c., of salt in, ...	XXV	1
See *Chief Court.*		
Panjâb Frontier Force, see *Officer Commanding Force not attached to a Presidency.*		
'Paper' defined	XVIII	3, cl. (21)
stamps impressed or otherwise denoted on, ...	"	5, cl. (*b*)
not bearing proper stamp	"	20, 22, 24, 39
for receipt	"	27

	Act.	Sec.
PAPER, refund for spoiled or useless stamped, ...	XVIII	45
PARADE, intoxication on, ...	V	art. 26
failing to appear at, ...	„	„ 32
quitting, without leave	„	„ 33
PARDON, re-admission after, ...	V	„ 156
grant of, ...	„	„ 160
Magistrate may tender, to accomplice	VIII	209
High Court or Court of Session may direct tender of, ...	„	210
when High Court or Court of Session may direct commitment of person to whom there has been a tender of, ...	„	211
PARENTS of Oudh Taluqdárs, maintenance of, ...	I	25
'PARTITION-DEED' defined	XVIII	3, cl. (22)
persons to pay duty on, ...	„	6
stamp on, when money is paid for equality of partition ...	„	sch. I, No. 18
stamp on, where no such money is paid	„	„ II, No. 39
PARTNERSHIP, see *Co-partnership, Dissolution.*		
PATENT, see *Petition.*		
PAWNING medal or decoration	V	art. 47
PAY AND ALLOWANCES, forfeiture of arrears of, ...	V	arts. 57, 76, 78, 82, 85, 89, 94, 137
forfeiture of, during confinement	„	art. 154
prisoner of war, during absence, not entitled to, ...	„	„ 163
PAYMENTS by Civil Court to Collector	XVIII	21
PEGU, Recorder at Rangoon's divorce-jurisdiction in, ...	IV	3, cl. (2)
PENAL CODE, abetment (of offence under Articles of War) within meaning of, ...	V	art. 71, & app. No. 2
procedure in case of offence against, in British India	„	art. 170
offences against, without British India	„	arts. 171—175
definitions from, ...	„	app. No. 1
sections 193 to 228 include proceedings under Income Tax Act ...	IX	28
PENAL SERVITUDE, see *Transportation.*		
PENALTY on unstamped or insufficiently stamped instruments produced in Civil Court	XVIII	20
power to remit, ...	„	24, 42
validity of instrument for which Collector levies, ...	„	25
for issuing bill. &c., unstamped	„	26
for executing instrument not duly stamped	„	29
for presenting or negociating unstamped bills	„	30
on holder of foreign bill refusing or neglecting to cancel stamp on bill ...	„	31
for not drawing full number of set of bills or marine policies	„	32
for not cancelling adhesive stamp	„	33
for not stating consideration	„	34
on attorney, &c., not inserting true consideration	„	35
on stamp-vendors disobeying rules	„	48

	Act.	Sec.
PENALTY IN RECOGNIZANCE, remission of, ...	VIII	221
See *Abetment, Fine, Magistrate, Prosecution.*		
PENDING DIVORCE-SUITS how dealt with	IV	6
PENSION, claim to, forfeited on dismissal	V	arts. 3, 4
obtaining, by false statement, &c.	"	art. 62
forfeiture of claim to, ...	"	arts. 76, 78, 82, 94
when forfeited on conviction of disgraceful conduct, ...	"	art. 136
on discharge, forfeiture of, ...	"	" 136
forfeited by person transported or imprisoned with hard labour ...	"	" 156
re-admission to, on annulment of sentence, or pardon	"	" 156
See *Affidavit.*		
PERIODICAL PAYMENT, duty on bond, &c., for, ...	XVIII	12
duty on conveyance where consideration is a, ...	"	12
exemption of receipt for, ...	"	15, cl. (3)
PERISHABLE PROPERTY, sale of seized, ...	VIII	130
PERMANENT ALIMONY, see *Alimony.*		
PERMISSION to try grave offences by inferior Court Martial	V	arts. 85, cl. (*b*), 95
PERPETUITY, rule against, in case of Oudh Taluqdárs and Grantees	I	12
'PERSON' defined	IX	3
'PERSON OF EUROPEAN EXTRACTION' defined	XXI	3
certificates under Vagrancy Act to, ...	"	9
PETITION for dissolution of marriage, contents of, ...	IV	10
co-respondent to, ...	"	11
dismissal of, ...	"	13
for judicial separation	"	21—23
for order to protect deserted wife's property	"	27
for damages against adulterer	"	34
for custody, maintenance or education of children	"	42, 44
forms of, ...	"	46
to state absence of collusion	"	47
verification of statements in, ...	"	47
service of, ...	"	50
by husband for dissolution, with damages, form of, ...	"	sch. No. 1
by wife for decree of nullity, form of, ...	"	" No. 4
for judicial separation on ground of adultery, form of, ...	"	" No. 5
for judicial separation on ground of cruelty, form of, ...	"	" No. 8
by husband for reversal of decree of separation, form of, ...	"	" No. 10
by wife for protection-order, form of, ...	"	" No. 11
for alimony pending the suit, form of, ...	"	" No. 12
of objector to assessment under Income Tax Act	IX	19, 20
appeal from order on, ...	"	21
to Revenue Authority for remission of penalty under Stamp Act ...	XVIII	42
for leave to file specification or for extension of term, stamp on, ...	"	" II, No. 40

	Act.	Sec.
PLACE of worship, defiling, ...	V	art. 44
of trial for offences against Indian Articles of War	"	" 98
of imprisonment under Indian Articles of War	"	" 152
PLEA of claim to be tried	VIII	363
PLEADER may defend accused	VIII	432
not stating true consideration, penalty on, ...	XVIII	35
PLEDGE, see *Mortgage-deed.*		
PLUNDER, leaving post or colours in time of war in search of, ...	V	art. 20
breaking into house for, in time of war	"	" 22
PLUNDERING fields, gardens or other property in time of war	V	" 22
in time of peace	"	" 42
See *Sentry.*		
POLICE in cantonments, saving of regulations defining power of officer in charge of,...	V	part I, cl. (*f*)
may arrest persons suspected to be subject to Articles of War, travelling without certificate	"	" III, cl. (*d*)
to take steps to capture deserter	"	" III, cl. (*d*)
POLICE OFFICER not to accompany prosecutor or witnesses to Magistrate's Court ...	VIII	161
to make enquiry into certain offences when directed to do so by Magistrate	"	133
POLICE SUPERANNUATION FUNDS, Act to abolish, ...	X	
'POLICY OF INSURANCE' defined	XVIII	3, cl. (23)
person to pay duty on, ...	"	6
exemption of transfer by endorsement of marine or fire, ...	"	15, cl. (4)
exemption of engagement to issue, ...	"	15. cl. (16)
penalty for not drawing full number of set of marine, ...	"	32
stamp on, ...	"	sch. I, No. 3
POLITICAL AUTHORITY to take steps to capture deserter	V	partIII,cl.(*d*)
POLITICAL OFFICER to publish sentence for disgraceful conduct	V	art. 158
PORTERAGE, exacting, ...	V	" 41
POST, warrants to be endorsed may be sent by, ...	VIII	86
POST-NUPTIAL SETTLEMENT, see *Settlement.*		
POUNDS currency, sterling, } see *Foreign Currency.*		
POWER, separated wife and husband may exercise joint, ...	IV	25
to stamp instruments chargeable with one anna	XVIII	26
See *Appointment.*		
'POWER OF ATTORNEY' defined	XVIII	3, cl. (24)
to present for registration, stamp on, ...	"	sch. II, No. 13
for performance of single act, stamp on, ...	"	" II, Nos. 18, 19
not otherwise provided for, stamp on, ...	"	" II, No. 32
PRESENT, requiring or accepting, ...	V	art. 45
PRESIDENCY TOWNS, see *Justices of the Peace.*		

	Act.	Sec.
PRESIDENT of Court Martial composed of European Officers, to conduct proceedings ...	V	art. 103
when to interpret	"	" 102
senior officer to sit as, ...	"	" 103
death or absence of, ...	"	" 103
has a casting vote on minor points	"	" 118
PRESUMPTION of desertion	V	" 114
as to signatures	"	part III, cl. (*f*)
PREVARICATION of witness	V	art. 67
PRICE of vernacular versions of Act,...	XVIII	51
PRINCIPAL agent of company to make payments and deliver returns under Income Tax Act	IX	9, 24
place of business, how to declare, ...	"	38
instrument, stamping, ...	XVIII	13
PRINCIPLES, see *Divorce Court.*		
PRISONER, refusal to receive, ...	V	art. 35
unauthorized release of, ...	"	" 35
suffering escape of, ...	"	" 35
of war, arrears due to, ...	"	" 163
service which may be reckoned by, ...	"	" 163
See *State-prisoner.*		
PRISONERS, Act to provide facilities for obtaining evidence and appearance of, ...	XV	
certain criminal courts may order bringing up of, ...	"	3
civil courts may order bringing up of, ...	"	4
See *Commission.*		
PRIVATES when exempt from income-tax	IX	4
PRIVILEGE of witnesses	V	art. 124
PRIVY COUNCIL, appeal under Divorce Act to Queen in, ...	IV	56
re-marriage after dismissal of appeal to, ...	"	57
PROCEDURE at trials by Court Martial	V	arts. 103-121
PROCESS, issue of, in cases triable by Magistrate	VIII	249
of civil courts (Bombay), signature of, ...	XIV	40
fees for, ...	"	42
how served on prisoners	XV	15
to be transmitted at prisoner's request	"	16
PRODUCTION of documents at Courts Martial	V	arts. 67, 122
PROMISES not to be used to induce disclosures	VIII	203
'PROMISSORY NOTE' defined	XVIII	3, cl. (25)
person to pay duty on, ...	"	6
brought to Collector on unstamped or insufficiently stamped paper	"	39
payable otherwise than on demand, stamp on, ...	"	sch. I, No. 2
payable on demand, stamp on, ...	"	sch. II, No. 1
See *Negotiable Instrument, Protest.*		
PROPERTY, what it includes in the case of a wife	IV	3, cl. (10)
rights of separated wife as to after-acquired, ...	"	24
of wife during continuance of protection-order	"	30

	Act.	Sec.
PROPERTY, wife's position with regard to, ...	IV	31
regarding which offence committed, disposal of, ...	VIII	132A, 132 B 132C
defined	XVIII	3, cl. (26)
within British India, instruments relating to, ...	"	3, cl. (2)
General Stamp Act, sec. 3, clauses (10), (11), (15), (18), (22), (30), (32) ...	"	6, cl. (6)
See *Conveyance, Settlement.*		
PROSECUTION under Income Tax Act	IX	27
of executants of unstamped or insufficiently stamped instruments ...	XVIII	22, 24, cl. (*a*)
institution and conduct of, ...	"	43
under European Vagrancy Act	XXI	27
PROSECUTOR to execute recognizance to appear before Magistrate	VIII	158
See *Expenses.*		
PROSTITUTE, petition for dissolution when wife is living as a, ...	IV	11
co-respondent not liable to pay costs when respondent lives as a, ...	"	35
PROTECTING enemy	V	art. 17
PROTECTION OF COURT, order for placing children under, ...	IV	44
PROTECTION-ORDER, deserted wife may apply for	IV	27
effect of, as to persons dealing with wife	"	60
'PROTEST' defined	XVIII	3, cl. (27)
of bill or note, stamp on, ...	"	sch. II, No. 21
'PROTEST OF THE MASTER OF A SHIP' defined	XVIII	3, cl. (28)
stamp on, ...	"	sch. II, No. 25
PROVISIONS, criminal force to persons bringing, ...	V	art. 22
exacting, ...	"	" 41
embezzlement or fradulent misappropriation of Government,... ...	"	arts. 54, 61
PROVOST MARSHAL, impeding or refusing to assist, ...	V	art. 39
appointment of, ...	"	" 168
duties and powers of, ...	"	" 169
'PROXY' defined	XVIII	3, cl. (29)
stamp on, ...	"	sch. II, No. 8
PUBLICATION of sentence and orders, in cases of disgraceful conduct, at offender's place of residence	V	art. 158
PUBLIC OFFICER, see *Collector, Copy, Impounding.*		
QUEEN'S EVIDENCE, see *Accomplice.*		
QUITTING in time of war, guard, picquet, party or patrol	V	" 21
parade without leave	"	" 33
division, regiment, &c., on line of march	"	" 33
in time of peace, guard, picquet or patrol	"	" 34
post without leave, see *Sentry.*		
RAILWAY COMPANY, service of summons on servants of, ...	VIII	75
RANGOON, divorce-jurisdiction of Recorder at, ...	IV	3, cl. 2
RAPE, dissolution of marriage on ground of, ...	IV	2, 10
READING Articles of War to recruits	V	art. 1
to persons attested	"	" 2

	Act.	Sec.
Reading names of President and Members of Court Martial	V	art. 107
Articles of War at head of regiment	„	part III, cl. (*k*)
Re-admission, not of person transported or imprisoned	V	art. 156
except in case of illegal sentence or pardon	„	„ 156
Reasonable excuse for desertion	IV	10, 14, 22, 26
'**Reason to believe**' defined	V	part I, cl. (*e*) & app. No. 1
that a person is a deserter	„	art. 29
that property is stolen	„	„ 60
that property was dishonestly misappropriated or converted ...	„	„ 61
Re-assembly of Court Martial, time of, ...	V	„ 106
Receipt of Government property embezzled or fraudulently misapplied	V	arts. 54, 61
of stolen property	„	art. 60
of property dishonestly misappropriated or converted	„	„ 61
for amount of income-tax	IX	17, 18
on recovery of fine under Income Tax Act	„	25
to ryot for rent of revenue-paying land, exempt from duty	XVIII	15, cl. (1)
for money deposited in bank to be accounted for, when exempt	„	15, cl. (2)
for sums paid for letters of allotment or on calls	„	15, cl. (2)
endorsed on or contained in duly stamped instrument, exempt	„	15, cl. (3)
by or on behalf of Government, exempt	„	15, cl. (15)
procedure where payee refuses, ...	„	27
for money exceeding twenty rupees, stamp on, ...	„	sch. II, No. 7
See *Indm Lands.*		
Recognizance to keep the peace in cases of conviction	VIII	280
Recommendation that prisoner of war should receive arrears and reckon service ...	V	art. 163
Reconveyance of mortgaged property, stamp on, ...	XVIII	sch. II, No. 27
Record in regimental books of declaration of Court of Enquiry	V	art. 162
Recorders at Rangoon and Maulmain, their divorce-jurisdiction	IV	3, cl. 2
Recruiters of emigrants, person to license, ...	VI	2
Recruits, Indian Articles of War to apply to unattested, ...	V	part 1, cl. (*d*)
Indian Articles of War to be read to, ...	„	art. 1
declaration or charge to be made to, ...	„	„ 1
affirmation to be made by, ...	„	„ 1
Redemption-suits against Oudh Taluqdárs	I	6
Reduction to ranks of Non-Commissioned Officer	V	arts. 132, 164
to precede imprisonment or corporal punishment of Non-Commissioned Officer	„	art. 135
ordered in commutation	„	„ 149
Re-enlistment without having received discharge	V	„ 11
Re-examination of deponent	IV	51
Reference of questions under Divorce Act to High Courts	IV	9
before trial by Summary Court Martial	V	„ 93

	Act.	Sec.
REFERENCE in other cases	V	arts. 142, cls. (a), (e), 146, 163, 174
of sentence to Commander-in-Chief of Presidency in cases tried under Orders in Council	"	part III, cl. (h)
under Stamp Act to High Court	XVIII	41
back to Revenue Authority	"	41, cl. (c)
REFUND of fee for emigration	VI	3
in case of useless or spoiled stamped paper	XVIII	45
REFUSAL to receive prisoner	V	art. 35
to superintend or assist in military work	"	" 38
to assist Provost Marshal or Assistant Provost Marshal	"	" 39
to attend, or be sworn, or answer questions, or produce documents before Court Martial	"	" 67
to plead, procedure on, ...	VIII	363
to give receipt	XVIII	27, cl. (b)
of party whose signature is required to writing on stamped paper ...	"	46
of office or trust granted by writing on stamped paper	"	46
REGIMENTAL BOOKS, record in, in case of absence	V	art. 162
REGIMENTAL COURT MARTIAL, appointment of, ...	V	" 83
composition of, ...	"	" 84
powers of, ...	"	" 85
to be attended by a European officer of not less than four years' service	"	" 101
for trial of volunteers	XX	11
REGIMENTAL COURT OF ENQUIRY in case of absence for two months	V	" 162
REGIMENTAL DEBTS, payment of, ...	V	arts. 177, 179
REGIMENTAL DETACHMENT COURT MARTIAL, appointment of, ...	V	art. 86
composition of, ...	"	" 88
powers of, ...	"	" 89
REGIMENTAL NECESSARIES, making away with or losing, ...	V	" 47
'REGISTERED' defined	I	2
REGISTERING OFFICER not to register instruments not duly stamped	XVIII	17
to impound unstamped instrument and send it to Collector ...	"	23
REGISTRATION of adoption by Oudh taluqdár	I	22, par. (5)
of penalties levied by Civil Courts on unstamped instruments ...	XVIII	21
of instrument afterwards endorsed by Collector	"	40
REGULATION X of 1822 (Bengal) repealed	XXII	3
I of 1827, (Bombay) sections 1 to 7 repealed	XIV	schedule
II " parts repealed	"	"
III " repealed	"	"
IV " preamble and sections 24, 27 and 72, clause 4, repealed	"	"
XXIX " section 7 repealed	"	"
XXXI " repealed	"	"
I of 1830 repealed	"	"
VII of 1831 repealed	"	"

	Act.	Sec.
Regulation XVIII of 1831 (Bombay) repealed	XIV	schedule
II of 1833 (Bombay) repealed	"	"
VI of 1834 (Bombay) repealed	"	"
Regulation Provinces, 'High Court' in, ...	IV	3, cl. (1)
" 'District Court' in, ...	"	3, cl. (2)
Regulations defining office and powers of Cantonment Magistrates, &c., saved ...	V	part 1, cl. (*f*)
Rejoining regiment, failure in, ...	V	art. 31
Relationship, legitimate relatives denoted only by words expressing, ...	I	2
Release of State-prisoner	V	art. 18
of prisoner without authority	"	" 35
by officer in charge of jail	"	" 161
of appellant on bail	VIII	421
defined	XVIII	3, cl. (30)
stamp on, ...	"	sch. II, No. 30
Relief to respondent in divorce-suit	IV	15
Religious feelings, wounding, ...	V	art. 44
Religious public purposes, property dedicated to, exempt from income-tax ...	IX	4
Religious uses, gifts by Oudh Taluqdárs to, ...	I	18
bequests by Oudh Taluqdárs to, ...	"	20
Remarriage of parties whose marriage is dissolved	IV	57
Remission of sentences of Courts Martial	V	art. 142, cls. (*e*), (*h*), (*i*)
of punishment by Government or Commander-in-Chief	"	art. 160
of penalty by Collector	XVIII	24, cl. (*b*)
of penalties by Chief Controlling Revenue Authority	"	42
Remittance to General Treasury of residue of deceased's effects	V	art. 178
of residue of deserter's effects	"	" 179
Removal of suits from District Court to High Court	IV	8
of prisoners	V	arts. 152, 153
Remuneration of stamp-vendors	XVIII	48
Repeal of enactments, see *Act, Regulation, Statute*		
Report of ill-treatment, disturbance, &c.	V	art. 43
furnishing false, ...	"	" 63
by Provost Marshal	"	" 169
Representative of deceased, residue to be paid to, ...	V	" 177
Residence in India of either petitioner or respondent	IV	2
of husband and wife together	"	3, cl. (3)
'Respondentia-bond' defined	XVIII	3, cl. (31)
person to pay duty on, ...	"	6
stamp on, ...	"	sch. I, No. 7
Respondent husband relieved on ground of wife's adultery and cruelty... ...	IV	15
Respondent wife relieved on grounds of petitioner's adultery, cruelty, or desertion ...	IV	15
Restitution of conjugal rights	"	32
answer to petition for, ...	"	33

	Act.	Sec.
Restitution of conjugal rights, lunatic's committee not to sue for, ...	IV	48
Restoration to pardoned prisoner of advantage forfeited	V	art. 160
to prisoner of war	"	" 163
Re-swearing Members of Court and witnesses	V	" 113
Retainer of Government property embezzled, &c.	V	arts. 54, 61
of stolen property	"	art. 60
Retreat-beating, absence from camp after, ...	V	" 52
Re-trial, bar of, ...	V	part III, cl. (*a*)
Return, furnishing false, ...	V	art. 63
to Collector of money received by Civil Court under Stamp Act	XVIII	21
Reunion, see *Voyage.*		
Reversal of decree *nisi*	IV	16
of separation	"	26
Revision of finding or sentence	V	art. 120
by High Court, procedure upon, ...	VIII	406
of Collector's certificates and orders	XVIII	40
Revival of order to pay permanent alimony	IV	37
of condoned adultery	"	sch. No. 7
Reward to informer	XVIII	38
Rigorous Imprisonment, see *Hard Labour.*		
Riot, failure to make reparation for, or report of, ...	V	art. 43
Risáldár Major, precedence of, ...	V	" 105
to take rank with Súbahdárs	"	" 105
Risáldárs, precedence of, ...	V	" 105
Rules of English Divorce Court	IV	7
High Court's power to make,...	"	62
to be consistent with Act and Code of Civil Procedure	"	62
to be published in the Gazette	"	62
See *Orders.*		
for guidance of officers, power to make, ...	V	part III, cl. (*j*)
for keeping proceedings of Civil Courts (Bombay)	XIV	41
for granting copies of papers	"	41
under Prisoners' Testimony Act	XV	18
for denoting stamps	XVIII	5, cl. (*b*)
for sale of stamps	"	48
binding on Members of Volunteer Corps	XX	17
for guidance of officers under European Vagrancy Act	XXI	34
Ryot, see *Counterpart, Cultivators, Lease, Receipt, Surrender.*		
Sale of effects of deceased person subject to Indian Articles of War	V	art. 177
of deserter's effects	"	" 179
of perishable property seized	VIII	130
of seized property where no claimant appears within six months from date of proclamation	"	132
of stamps and stamped paper	XVIII	48
See *Consideration, Conveyance.*		

	Act.	Sec.
SALT in Madras, enhancement of price of, ...	XXIV	2
in Bombay, enhancement of duties on, ...	"	2
manufacturing, storing and sale of, in North-Western Provinces, Panjáb, Oudh and Central Provinces	XXV	
SANITARY IMPROVEMENT, application of surplus taxation to, ...	III	14
SARDÁR BAHÁDURS, precedence of, ...	V	art. 105
SCRIP, see *Calls, Certificate.*		
SEARCH of house suspected to contain stolen property or forged documents ...	VIII	127
SEARCH WARRANT, when grantable	VIII	114
direction of, ...	"	115
when executed out of jurisdiction of Magistrate of District ...	"	121
when executed within local limits of High Court	"	121
SECONDARY INSTRUMENTS, stamp on, ...	XVIII	13
SECRETARY of Company to make payments and deliver returns under Income Tax Act	IX	9, 24
SECURITIES of Government of India, exemption of transfers of, ...	XVIII	15, cl. (6)
SEDITION	V	art. 7
SEIZURE of property, procedure by police upon, ...	VIII	130
where owner is unknown	"	131
where no claimant appears within six months from date of proclamation ...	"	132
SELLING medal or decoration	V	art. 47
SENDING proceedings	V	" 129
SENIOR WIDOW of Oudh Taluqdár, maintenance of, ...	I	25
SENTENCE, see *Copy.*		
SENTRY sleeping on post in time of war or alarm	V	art. 12
quitting post without leave in time of war or alarm	"	" 12
plundering, destroying, or injuring property in his charge	"	" 13
striking or forcing, ...	"	" 27
sleeping on post in time of peace	"	" 50
quitting post without leave in time of peace	"	" 50
SEPARATE PROPERTY of wife, costs payable out of, ...	IV	16
SEPARATE USE, property acquired by wife after judicial separation, to be, on resumption of cohabitation, to her, ...	IV	24
SEPARATION, see *Agreement, Costs, Judicial Separation, Necessaries, Power, Wilful Separation.*		
SERVICE of petition for damages on alleged adulterer	IV	34
of petition for alimony, *pendente lite*	"	36
of petitions under Divorce Act	"	50
dispensation with, ...	"	50
defined	V	part I, cl. (*e*)
of summons on witness	"	art. 122
prisoner of war during absence not entitled to, ...	"	" 163
See *Dismissal.*		
of process upon prisoners	XV	15
See *Agreement.*		

	Act.	Sec.
SET of bills or marine policies, penalty for not drawing whole number of, ...	XVIII	32
SETTING ASIDE trial by Summary Court Martial	V	art. 129
Ordinary Court Martial	"	art. 142, cl. (*i*)
SETTLEMENT of wife's property for benefit of husband and children	IV	39
of damages	"	39
inquiry as to ante-nuptial or post-nuptial, ...	"	40
defined	XVIII	3, cl. (32)
person to pay duty on, ...	"	6
stamp on, ...	"	sch. I, No. 14
SEVERAL STAMPED PAPERS, employment of, ...	XVIII	50
SHARE, see *Agreement, Calls, Certificate, Letter of Allotment, Memorandum, Transfer.*		
SHIP, trial of offences committed on board, ...	V	arts. 85, 87, 129
See *Charter-party, Protest of Master.*		
SHIP-MASTER bringing European convicts to India, penalty on, ...	XXI	25
SHIPPING-ORDER, stamp on, ...	XVIII	sch. II, No. 6
SHOOTING TO DEATH, sentence of, ...	V	art. 141
SIGNATURE to certified extracts from Court Martial books	V	" 117
to proceedings of Summary Court Martial	"	" 129
presumption as to, ...	"	part III, cl. (*b*)
'SIGNED' defined	I	2
SINDH, 'District Judge' in, ...	IV	3, cl. (2)
saving of duty leviable on salt in, ...	XXIV	3
SINGLE IMPRESSED STAMP, employment of, ...	XVIII	49
SLEEPING ON POST, see *Sentry.*		
SODOMY, dissolution on ground of, ...	IV	2, 10
SOLDIER leaving army in India and becoming vagrant, liability of employer of, ...	XXI	31
SOLDIERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
defined	"	" I, cl. (*e*)
attestation of, ...	"	art. 2
not to be arrested for debt	"	part III, cl. (*b*)
SOLITARY CONFINEMENT, limit of, ...	V	art. 134
SPECIFICATION, see *Petition.*		
STAMP on petitions	IV	47
on undertaking by minor's next friend	"	49
on appeal from order on petition under Income Tax Act	IX	21
STAMPED-PAPERS, refund for useless or spoiled, ...	XVIII	45
what shall be held to be spoiled, ...	"	46
rules for sale of, ...	"	48
employment of several, ...	"	50
See *Paper.*		
STAMP-SELLERS, remuneration of, ...	XVIII	48

	Act.	Sec.
STAMP-SELLERS, penalty on, ...	XVIII	48
STATE, see *Conspiracy.*		
STATEMENTS, form of, ...	IV	46, sch. Nos. 2, 3, 6, 7, 9, 13
in petitions to be verified	„	47
STATE-PRISONER, sentry over, sleeping upon or quitting his post	V	art. 12
unauthorizedly releasing, or aiding, or suffering escape of, ...	„	„ 18
STATION, Officer Commanding, may appoint Detachment Court Martial... ...	V	„ 87
STATUTE 33 Geo. III, cap. 52, sections 151, 152 repealed	II	schedule
47 Geo. III, sess. 2, cap. 68, sections 4, 5, 6 repealed	„	„
53 Geo. III, cap. 155, sec. 112 repealed	„	„
2 & 3 Wm. IV, cap. 117 repealed	„	„
STAY of proceedings in execution of decree	IV	9
STEALING money or goods	V	art. 60
STOCK, see *Certificate.*		
STOPPAGES, sentence of, ...	V	arts. 76, 78, 82, 85, 89, 94, 138
on conviction of disgraceful conduct	„	art. 138
extent of, ...		„ 139
STORES, furnishing false return of, ...	V	„ 63
STRIKING superior officer	V	„ 8
or forcing sentry	„	„ 27
subordinate	„	„ 40
See *Assault, Sentry.*		
off strength of regiment, corps or department	„	„ 155
SÚBAHDÁR MAJOR, precedence of, ...	V	„ 105
SUB-ASSISTANT SURGEON, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	„	art. 2
behaving unbecomingly	„	„ 25
District or Garrison Court Martial for trial of, ...	„	arts. 81, 82
not triable by Summary Court Martial	„	art. 92
not triable by Court inferior to District or Garrison Court Martial	„	„ 131
sentences on, ...	„	„ 131
commutation of sentence of dismissal on, ...	„	„ 145
confirmation of sentence on, ...	„	„ 146
not liable to minor punishment	„	„ 165
SUBORDINATE, striking or otherwise ill-treating, ...	V	„ 40
SUBORDINATE COURTS (BOMBAY) situation of, ...	XIV	23
sittings and vacations of, ...	„	43
SUBORDINATE JUDGES (BOMBAY) number of, ...	XIV	21
appointment and qualifications of, ...	„	22
classes of, ...	„	24
of first class, ordinary jurisdiction of, ...	„	24

	Act.	Sec.
SUBORDINATE JUDGES (Bombay) of second class, jurisdiction of, ...	XIV	24
special jurisdiction of, ...	"	25
of first class, appeals from, ...	"	26
of first class, appellate jurisdiction of, ...	"	27
may be invested with small cause powers ...	"	28
seal of, ...	"	29
their jurisdiction over pending proceedings ..	"	31
to refer Government suits to District Judge ...	"	32
enquiry into charge of misconduct by, ...	"	33
suspension or dismissal of, ...	"	34
temporary vacancy in office of, ...	"	37
SUBORDINATE MAGISTRATE to be subordinate to Magistrate of District	VIII	23G
when not to hear complaints against European British subjects	"	40A
his procedure when case appears beyond his jurisdiction	"	276
of first class, jurisdiction of, ...	XVIII	44
SUBSISTENCE of prisoner	V	art. 154
SUCCESSION ACT, sections of, applied to wills of Oudh Taluqdárs	I	19
SUICIDE, attempting to commit, ...	V	art. 48
SUIT where consideration is not stated	XVIII	47
SUITS by and against separated wife	IV	25
by wife holding protection-order against husband	"	30
by or against wife holding protection-order	"	31
for criminal conversation abolished in certain cases	"	61
See *Pending Suits.*		
SUMMARY COURT MARTIAL, who may hold.	V	art. 90
approval of sentence of, ...	"	" 90
constitution of, ...	"	" 91
persons triable by, ...	"	" 92
offences punishable by, ...	"	" 93
powers of, ...	"	" 94
to be attended by two other Commissioned Officers ...	"	" 94
no challenge at, ...	"	" 107
persons to attend, ...	"	" 125
to be attended by an interpreter	"	" 125
record of proceedings of, ...	"	" 126
oaths of interpreter and officer holding, ...	"	" 127
evidence taken before, ...	"	" 128
proceedings of, to be signed and forwarded to Officer Commanding Division or District	"	" 129
sentence of, need not be confirmed	"	" 142
execution of sentences of, ...	"	" 159
setting aside trial by, ...	"	" 159
SUMMONING witnesses	V	" 122
SUMMONS, service of, ...	VIII	70, 75

	Act.	Sec.
SUMMONS, by Magistrate in cases triable by Court of Session	VIII	179
to appear, when Magistrate may issue, ...	„	248
on complaint in cases triable by Magistrate	„	257
SUPERINTENDENT OF STAMPS may denote stamp-duty	XVIII	5
SUPERINTENDENTS OF MILITARY BÁZÁRS, saving of regulations defining office and powers of, ...	V	part I, cl. (*f*)
SUPERINTENDING OFFICER	V	art. 101
when to interpret	„	„ 192
affirmation to be taken by, ...	„	arts. 110, 112
SUPREME COURTS, enforcement of divorce-decrees of, ...	IV	5
SURGICAL INSTRUMENTS, making away with or losing, ...	V	art. 47
SURRENDER of lease, person to pay stamp on, ...	XVIII	6
of land by ryot, exempt	„	15, cl. (11)
of lease, stamp on, ...	„	sch. 1, No. 20
SUSPENSION of decree or confirmation till execution of instrument securing permanent alimony	IV	37
of order for making monthly or weekly payments for wife's maintenance	„	37
from rank, pay and allowances, sentence of, on Sub-Assistant Surgeon, Hospital Assistant, Native Doctor and Warrant Officer	V	arts. 76, 82, 131
on Commissioned Officers	„	arts. 76, 130, clause (*d*)
of sentence pending appeal	VIII	421
SUTLERS, Articles of War apply to, ...	V	part I, cl. ((*d*)
SWORD, see *Weapon.*		
SYCES, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	„	art. 2
'TALUQDÁR' defined	I	2
TALUQDÁRS (OUDH), Act to define rights of, ...	I	
rights and liabilities of, ...	„	3, 4
their power as to heirlooms	„	7
lists of, ...	„	8, 9
their power to transfer and bequeath	„	11-13
transfers and bequests to, ...	„	14, 16, 17
gifts to religious or charitable uses by,...	„	18
sections of Succession Act applied to wills of, ...	„	19
bequests to religious and charitable uses by, ...	„	20
rules of succession to intestate, ...	„	22, 23
maintenance of surviving relatives of, ...	„	24-28
adoption by Muhammadan, ...	„	29
alteration of rules of intestate succession in case of, ...	„	30, 31
saving of rights of creditors of, ...	„	32
their awards as to compensation and maintenance	„	33
TATTOO, see *Absence.*		
TECHNICAL GROUNDS, trial by Summary Court Martial not to be set aside on mere, ...	V	art. 129

	Act.	Sec.
TENASSERIM PROVINCES, Recorder of Maulmain's divorce-jurisdiction in, ...	IV	3, cl. (2)
THEFT, committing, ...	V	art. 60
defined	„	app.
THREATS not to be used to induce disclosures	VIII	203
TIME of trial by Court Martial and adjournments	V	art. 106
TOOLS, making away with or losing, ...	V	„ 47
embezzlement or fraudulent misappropriation of Government, ...	„	arts. 54, 61
TRANSFER' defined	I	2
of share, person to pay duty on, ...	XVIII	6
by endorsement, of negotiable instrument or policy	„	15, cl. (4)
of securities of Government of India, exempt from duty	„	15, cl. (6)
stamp on, ...	„	sch. I, No. 4.
TRANSFERS by Oudh Taluqdárs and Grantees	I	11-18
Taluqdárs and Grantees' power to make, ...	„	11-13
to Taluqdárs or Grantees	„	14
to persons out of line of succession to Taluqdárs or Grantees... ...	„	15
to be in writing signed and attested	„	16
by gift	„	17
to religious or charitable uses	„	18
TRANSLATIONS of the Indian Articles of War	V	part III, cl. (*k*)
of the General Stamp Act	XVIII	51
TRANSPORTATION under Indian Articles of War	V	arts. 24, 76, 78, 130, cls. (*a*), (*d*)
sentence of, on offender already under sentence	„	art. 140
substituted for sentence of death	„	„ 143
confirmation of sentence of, ...	„	„ 144
penal servitude when substituted for, ...	„	„ 144
imprisonment substituted for, ...	„	„ 144
execution of sentence of, ...	„	„ 150
See *Re-admission.*		
TREASURE, sentry over, sleeping upon, or quitting his post	V	art. 12
TREASURER of Company to make payments and deliver Returns under Income Tax Act	IX	9, 24
TRESPASS, not making reparation for, ...	V	art. 43
TRIALS, proceedings in, under repealed Articles of War	V	part I, cl. (*c*)
limitation of, ...		art. 98
place of, ...	„	„ 99
time of, ...	„	„ 106
adjournment of, ...	„	„ 106
TRUMPETERS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	„	art. 2
TRUST, see *Declaration, Refusal.*		
TRUSTEE, payment of alimony to wife's, ...	IV	38
Court may appoint new, ...	„	38

	Act.	Sec.
TRUSTEE chargeable with income-tax	IX	12
to furnish statements of income or profits	"	13
TUG-STEAMER, see *Agreement.*		
UNATTESTED RECRUITS, Indian Articles of War apply to, ...	V	part I, cl. (*d*)
UNBECOMING BEHAVIOUR under Indian Articles of War	V	art. 25
UNBORN CHILDREN when included in words expressing relationship	I	2
UNDERTAKING by minor's next friend	IV	49, and sch. No. 14
UNLAWFUL OBSTRUCTIONS, Magistrate of District may order removal of, ...	VIII	308
UNNATURAL OFFENCE	V	art. 65
UNREASONABLE DELAY	IV	14
URGENT NECESSITY, omission to stamp through, ...	XVIII	24, cl. (*b*)
USE, see *Declaration.*		
VACANCY, see *District Judge, Subordinate Judge.*		
VACATION, see *District Courts, Subordinate Courts.*		
VAGRANT' defined	XXI	3
required to go before Police Magistrate	"	4
summary enquiry into circumstances of, ...	"	5
required to go to Government work-house	"	5
forwarded to place of employment	"	6
assistance to obtain employment	"	7
subsistence allowance to, ...	"	8
removal of, ...	"	16
agreement with, ...	"	17
power to perform agreement relating to, ...	"	18
refusing to go before Police Magistrate	"	19
assaulting Police	"	19
escaping from Police	"	20
quitting work-house without leave	"	20
failing to proceed to port of embarkation	"	21
refusing to go on boardship	"	21
escaping from ship	"	21
returning prematurely to India	"	22
begging	"	23
release from imprisonment	"	24
VAGRANTS deprived of privileges of European British subjects under Criminal Procedure Code	XXI	30
liability of importers of Europeans or employers of soldiers becoming,	"	31
VAKÍL, exemption of copies made for, ...	XVIII	15, cl. (14)
not stating true consideration	"	35
VALUATION, person to pay stamp on, ...	XVIII	6
stamp on, ...	"	sch. I, No. 21
VARIATION of protection-order	IV	29
VERIFICATION of case by affidavit	IV	51
of petitions, form of, ...	"	sch. No. 1

	Act.	Sec.
VEXATIOUS COMPLAINT, see *Compensation.*		
VILLAGE WATCHMEN, North-Western Provinces, appointment of, ...	III	18, 19
duties of, ...	„	20
VIOLENCE to superior officer	V	art. 8
to persons bringing provisions to camp in time of war	„	„ 22
in presence of Court Martial	„	„ 68
See *Assault.*		
VOLUNTARILY causing hurt, with intent to disqualify for service	V	art. 59
VOLUNTEER CORPS, Act to provide for good order and discipline of, ...	XX	
formation of, ...	„	5
evidence of enrolment in, ...	„	6
disbandment of, ...	„	7
application of Articles of War to, ...	„	8
withdrawal from, ...	„	13
local limits of service of, ...	„	16
VOLUNTEERS not attending duty other than drill or parade	XX	18
not attending drill or parade	„	19
guilty of other minor military offence	„	19
dismissal of, for non-payment of fine	„	20
penalty for assaulting or resisting, ...	„	21
recovery of fines from, ...	„	22
powers of, ...	„	23, 24
when exempt from horse-tax	„	25
limitation of suits against, ...	„	26
VOTES of Members of Court Martial how given	V	art. 118
decision to be according to majority of, ...	„	„ 118
decision in case of equality of, ...	„	„ 118
majority of, requisite for sentence of death	„	„ 119
VOYAGE from Madras to Reunion or Mauritius, probable length of, ...	VI	1
WARRANT for holding courts martial to remain in force notwithstanding repeal ..	V	part I, cl. (*c*)
authorizing officer to appoint General Court Martial	„	art. 73, cls. (*c*), (*e*)
Detachment General Court Martial ...	„	„ 77, cl. (*c*)
District or Garrison Court Martial ...	„	„ 79, cls. (*c*), (*e*)
of commitment, in cases of transportation or hard labour	„	arts. 150, 151
for imprisonment of Native followers	„	art. 166
for imprisonment for offences against cantonment-rules	„	part III, cl. (*c*)
power to issue, ...	„	„ III, cl. (*h*)
to whom directed	VIII	77
for arrest, of person out of jurisdiction, Magistrate issuing.	„	86
of arrest, service and issue of, ...	„	99
of commitment, direction, and form of, ...	„	222
of arrest, when Magistrate may issue, ...	„	248
for levy of fine on firm	XVIII	37

	Act.	Sec.
WARRANT OFFICERS, Articles of War apply to, ...	V	part I, cl. (*d*)
attestation of, ...	„	art. 2
behaving unbecomingly	„	„ 25
not triable by Summary Court Martial	„	„ 92
may be dismissed, suspended, degraded or lowered in list, by General, District or Garrison Court Martial	„	„ 131
dismissal of persons below rank of, ...	„	„ 132
commutation of sentence of dismissal on, ...		„ 145
confirmation of sentence on, ...	„	„ 146
not liable to minor punishment	„	„ 165
Provost Marshal not to flog, ...	„	„ 169
District or Garrison Court Martial for trial of, ...	„	arts. 181, 182
when exempt from income-tax	IX	4
WATCHWORD, betraying, ...	V	art. 15
WEAPON, carrying offensive, ...	V	„ 49
WEEKLY PAYMENTS, see *Maintenance.*		
WIDOW, see *Senior Widow, Junior Widow.*		
WIDOWS of sons and brothers of deceased Oudh Taluqdár, maintenance of, ...	I	27, 28
WIFE may petition for a dissolution	IV	2, 10
may petition for a decree of nullity	„	18
may petition for a decree of judicial separation	„	22
may petition for a protection-order	„	27
may petition for restitution of conjugal rights	„	32
may petition for alimony *pendente lite*	„	36
may offer herself as a witness	„	51
may give evidence as to cruelty or desertion	„	52
See *Agreement, Children, Contracts, Costs, Creditors, Indemnity, Intestacy, Necessaries, Power, Separate Property, Separate Use, Settlement, Suits, Will, Wrongs.*		
WILFUL NEGLECT by petitioner under Divorce Act	IV	14
WILFUL SEPARATION by petitioner under Divorce Act	IV	14
WILL defined	I	2
of separated wife	IV	24
WITHDRAWAL of criminal cases from Subordinate Court	VIII	36
of charge	„	379A
WITNESS to execute recognizance to appear before Magistrate	VIII	158
See *Expenses.*		
WITNESSES to be examined orally	IV	51
parties may offer themselves as, ...	„	51
as to cruelty and desertion, husband and wife may be, ...	„	52
See *Affidavits.*		
forms of oath or affirmation of, ...	V	arts. 111, 112 part III, cl. (*j*)
for defence summoned by Magistrate, provisions as to, ...	VIII	208
WOMEN, power to relax rule as to proportion of, on board emigrant ship ...	VI	7

	Act.	Sec.
WORK-HOUSES, Local Government may provide, ...	XXI	11
scale of diet in, ...	"	11
superintendence of, ...	"	12
search of vagrants admitted to, ...	"	13
discipline of vagrants admitted to, ...	"	14
employment for vagrants admitted to, ...	"	15
See *Military Work*.		
WOUNDING RELIGIOUS FEELINGS	V	art. 44
WRONGFUL GAIN, ...	V	" 64
defined	"	app. part I
WRONGFUL LOSS	"	art. 64
defined	"	app. part I
WRONGS, separated wife to be deemed unmarried as to, ...	IV	25
'YEAR OF ASSESSMENT' defined	IX	3

OUDH ESTATES' ACT, 1869.

CONTENTS.

Preamble.

I—*Preliminary.*

SECTION.

1. Short title.
   Extent of Act.
2. Interpretation-clause.

II.—*Rights and Liabilities of Taluqdárs and Grantees.*

3. Taluqdárs to have heritable and transferable rights in their estates.
   Subject to certain conditions.
4. Rights and liabilities of persons named in second schedule.
5. Grantees' rights and liabilities.
6. Saving of certain redemption-suits.
7. Heirlooms.

III.—*Lists of Taluqdárs and Grantees.*

8. Preparation of lists of Taluqdárs and Grantees.
9. Publication of lists.
   Supplementary list.
10. None but persons named in lists to be deemed Taluqdárs or Grantees.

IV.—*Powers of Taluqdárs and Grantees to transfer and bequeath.*

11. Taluqdárs and Grantees may transfer and bequeath.
12. Rule against perpetuity.
13. Restriction as to donees and legatees.

V.—*Transfers and Bequests.*

14. Transfers and bequests to Taluqdárs or heirs.
15. Transfers and bequests to persons out of line of succession.
16. Transfers to be in writing, signed and attested.
17. Further requisites to validity of gifts *inter vivos.*
18. Gifts to religious or charitable uses.

VI.—*Testamentary Succession.*

19. Sections of Succession Act applied to wills of Taluqdárs.
20. Bequests to religious and charitable uses.

PRICE NINE ANNAS.

VII.—*Intestate Succession.*

SECTION.

21. 'Son,' 'descendants,' 'daughter,' 'brother,' 'widow,' defined.
22. Special rules of succession to intestate Taluqdárs and Grantees.
23. General rule of succession to intestate Taluqdárs and Grantees.

VIII.—*Maintenance.*

24. Maintenance of surviving relatives of Taluqdárs and Grantees.
25. Grand-parents, parents and senior widows.
    Junior widows.
26. Brothers and minor sons.
    Nephews.
27. Unmarried daughters, widows of sons and brothers and inferior widows.
28. Continuance of annuities.

IX.—*Miscellaneous.*

29. Muhammadan Taluqdárs and Grantees empowered to adopt.
30. Alteration of rules of intestate succession in cases of Taluqdárs and Grantees named in list 3 or list 5.
31. Reverter to ordinary law of succession.
32. Saving of rights of creditors.
33. Awards as to compensation and maintenance.

Schedules.

First Schedule (Orders of the 10th and 19th October 1859).
Second Schedule (Names of persons referred to in section 4).

ACT No. I of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th January 1869).

An Act to define the rights of Taluqdárs and others in certain estates in Oudh, and to regulate the succession thereto.

Preamble.

WHEREAS, after the re-occupation of Oudh by the British Government in the year 1858, the proprietary right in divers estates in that province was, under certain conditions, conferred by the British Government upon certain Taluqdárs and others; and whereas doubts may arise as to the nature of the rights of the said Taluqdárs and others in such estates, and as to the course of succession thereto; and whereas it is expedient to prevent such doubts, and to regulate such course, and to provide for such other matters connected therewith as are hereinafter mentioned; It is hereby enacted as follows:—

I.—Preliminary.

Short title.
Extent of Act.

1. This Act may be cited as "The Oudh Estates' Act, 1869," and shall extend only to the estates hereinafter referred to.

Interpretation-clause.

2. In this Act, unless there be something repugnant in the subject or context—

"Transfer."

"Transfer" means an alienation *inter vivos*;

"Will."

"Will" means the legal declaration of the intentions of the testator with respect to his property affected by this Act, which he desires to be carried into effect after his death;

"Codicil."

"Codicil" means an instrument made in relation to a Will, and explaining, altering, or adding to its dispositions: It is considered as forming an additional part of the Will;

"Signed"

"Signed."

"Signed" applies to the affixing of a mark;

"Registered."

"Registered" means registered according to the provisions of the rules relating to the registration of assurances for the time being in force in Oudh;

"Minor."
"Minority."

"Minor" means any person who shall not have completed the age of eighteen years, and "minority" means the status of such person;

"Taluqdár."

"Taluqdár" means any person whose name is entered in the first of the lists mentioned in section eight;

"Grantee."

"Grantee" means any person upon whom the proprietary right in an estate has been conferred by a special grant of the British Government, and whose name is entered in the fifth or sixth of the lists mentioned in section eight;

"Estate."

"Estate" means the taluqa or immoveable property acquired or held by a Taluqdár or Grantee in the manner mentioned in section three, section four, or section five, or the immoveable property conferred by a special grant of the British Government upon a Grantee;

"Heir."
"Legatee."

"Heir" means a person who inherits property otherwise than as a widow, under the special provisions of this Act; and "legatee" means a person to whom property is bequeathed under the same provisions;

Words expressing relationship.

Words expressing relationship denote only legitimate relatives, but apply to children in the womb who are afterwards born alive.

II.—Rights and liabilities of Taluqdárs and Grantees.

Taluqdárs to have heritable and transferable rights in their estates.

3. Every Taluqdár with whom a summary settlement of the Government revenue was made between the first day of April 1858 and the tenth day of October 1859, or to whom, before the passing of this Act and subsequently to the first day of April 1858, a taluqdárí sanad has been granted,

shall

shall be deemed to have thereby acquired a permanent, heritable and transferable right in the estate comprising the villages and lands named in the list attached to the agreement or kabúliyat executed by such Taluqdár when such settlement was made,

or which may have been or may be decreed to him by the Court of an officer engaged in making the first regular settlement of the province of Oudh, such decree not having been appealed from within the time limited for appealing against it, or, if appealed from, having been affirmed,

Subject to certain conditions.

subject to all the conditions affecting the Taluqdár contained in the orders passed by the Governor General of India on the tenth and nineteenth days of October 1859 and re-published in the first schedule hereto annexed, and subject also to all the conditions contained in the sanad under which the estate is held.

Rights and liabilities of persons named in second schedule.

4. Every person whose lands the proclamation issued in Oudh in the month of March 1858 by order of the Governor General of India specially exempted from confiscation, and whose names are contained in the second schedule hereto annexed, shall be deemed to possess in the lands for which such person executed a kabúliyat between the first day of April 1858 and the first day of April 1860 the same right and title which he would have possessed thereto if he had acquired the same in the manner mentioned in section three; and he shall be deemed to hold the same subject to all the conditions affecting Taluqdárs which are referred to in the said section, and to be a Taluqdár for all the purposes of this Act.

Grantees' rights and liabilities.

5. Every Grantee shall possess the same rights and be subject to the same conditions in respect of the estate comprised in his grant as a Taluqdár possesses and is subject to, under section three, in respect of his estate.

Saving of certain redemption-suits.

6. Nothing in sections three, four and five, or in the said orders, or in any sanad, shall be deemed to bar a suit for redemption,

(*a*) where the instrument of mortgage was executed on or after the thirteenth day of February 1844 and fixed no term within which the property comprised therein might be redeemed, or

(*b*) where

(*b*) where the instrument of mortgage fixed a term within which the property comprised therein might be redeemed, and such term did not expire before the thirteenth day of February 1856.

Heirlooms.

7. If a Taluqdár or Grantee, or any heir or legatee of a Taluqdár or Grantee, desire that any elephants, jewels, arms or other articles of moveable property belonging to him shall devolve along with his estate, he shall take an inventory of such articles. Such inventory shall be signed by him and deposited in the office of the Deputy Commissioner of the District wherein such estate or the greater part thereof is situate; and thereupon such of the said articles as shall not have been transferred shall (so far as may be possible) be used and enjoyed by the person who, under or by virtue of this Act, is for the time being in actual possession or in receipt of the rents and profits of the said estate or the greater part thereof, otherwise than as mortgagee or lessee.

III.—*Lists of Taluqdárs and Grantees.*

Preparation of lists of Taluqdárs and Grantees.

8. Within six months after the passing of this Act, the Chief Commissioner of Oudh, subject to such instructions as he may receive from the Governor General of India in Council, shall cause to be prepared six lists, namely:—

First.—A list of all persons who are to be considered Taluqdárs within the meaning of this Act;

Second.—A list of the Taluqdárs whose estates, according to the custom of the family on and before the thirteenth day of February 1856, ordinarily devolved upon a single heir;

Third.—A list of the Taluqdárs, not included in the second of such lists, to whom sanads or grants have been or may be given or made by the British Government up to the date fixed for the closing of such lists, declaring that the succession to the estates comprised in such sanads or grants shall thereafter be regulated by the rule of primogeniture;

Fourth.—A list of the Taluqdárs to whom the provisions of section twenty-three are applicable;

Fifth.

Fifth.—A list of the Grantees to whom sanads or grants have been or may be given or made by the British Government, up to the date fixed for the closing of such list, declaring that the succession to the estates comprised in such sanads or grants shall thereafter be regulated by the rule of primogeniture;

Sixth.—A list of the Grantees to whom the provisions of section twenty-three are applicable.

Publication of lists.

9. When the lists mentioned in section eight shall have been approved by the Chief Commissioner of Oudh, they shall be published in the *Gazette of India*. After such publication, the first and second of the said lists shall not, except in the manner provided by section thirty or section thirty-one, as the case may be, be liable to any alteration in respect of any names entered therein.

Supplementary list.

If, at any time after the publication of the said lists, it appears to the Governor General of India in Council that the name of any person has been wrongly omitted from or wrongly entered in any of the said lists, the said Governor General in Council may order the name to be inserted in the proper list, and such name shall be published in the *Gazette of India* in a supplementary list, and such person shall be treated in all respects as if his name had been from the first inserted in the proper list.

None but persons named in lists to be deemed Taluqdárs or Grantees.

10. No persons shall be considered Taluqdárs or Grantees within the meaning of this Act, other than the persons named in such original or supplementary lists as aforesaid. The Courts shall take judicial notice of the said lists and shall regard them as conclusive evidence that the persons named therein are such Taluqdárs or Grantees.

IV.—*Powers of Taluqdárs and Grantees to transfer and bequeath.*

Taluqdárs and Grantees may transfer and bequeath.

11. Subject to the provisions of this Act, and to all the conditions under which the estate was conferred by the British Government, every Taluqdár and Grantee, and every heir and legatee of a Taluqdár and Grantee, of sound mind and not a minor, shall be competent to transfer the whole or any portion of his estate, or of his right and interest therein, during his life-time, by sale, exchange, mortgage, lease or gift, and to bequeath by his will to any person the whole or any portion of such estate, right and interest.

A married woman may make a bequest under this Act of any property which she could alienate by her own act during her life.

Persons who are deaf or dumb or blind are not thereby incapacitated for making a transfer or bequest under this Act, if they are able to know what they do by it.

One who is ordinarily insane may make a transfer or bequest under this Act during an interval in which he is of sound mind.

No person can make a transfer or bequest under this Act while he is in such a state of mind, whether from drunkenness, or from illness, or from any other cause, that he does not know what he is doing.

A transfer and a will, or any part of a will, the making of which has been caused by fraud or coercion or by such importunity as takes away the free agency of the transferor or testator, is void.

Rule against perpetuity.

12. No transfer or bequest under this Act shall be valid whereby the vesting of the thing transferred or bequeathed may be delayed beyond the life-time of one or more persons living at the decease of the transferee or testator and the minority of some person who shall be in existence at the expiration of that period, and to whom, if he attains full age, the thing transferred or bequeathed is to belong.

Restriction as to donees and legatees.

13. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, shall have power to give or bequeath his estate, or any portion thereof, or any interest therein, to any person not being either—

(1.)—a person who, under the provisions of this Act, or under the ordinary law to which persons of the donor's or testator's tribe and religion are subject, would have succeeded to such estate or to a portion thereof, or to an interest therein, if such Taluqdár or Grantee, heir or legatee, had died intestate, or

(2.)—a younger son of the Taluqdár or Grantee, heir or legatee, in case the name of such Taluqdár or Grantee appears in the third or the fifth of the lists mentioned in section eight,

except

except by an instrument of gift or a will executed and attested, not less than three months before the death of the donor or testator, in manner herein provided in the case of a gift or will, as the case may be, and registered within one month from the date of its execution.

V.—*Transfers and Bequests.*

Transfers and bequests to Taluqdárs or heirs.

14. If any Taluqdár or Grantee shall heretofore have transferred or bequeathed, or if any Taluqdár or Grantee, or his heir or legatee, shall hereafter transfer or bequeath, the whole or any portion of his estate to another Taluqdár or Grantee, or to such younger son as is referred to in section thirteen, clause two, or to a person who would have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transferee or legatee and his heirs and legatees shall have the same rights and powers in regard to the property to which he or they may have become entitled under or by virtue of such transfer or bequest, and shall hold the same subject to the same conditions and to the same rules of succession as the transferor or testator.

Transfers and bequests to persons out of line of succession.

15. If any Taluqdár or Grantee shall heretofore have transferred or bequeathed, or if any Taluqdár or Grantee or his heir or legatee shall hereafter transfer or bequeath to any person not being a Taluqdár or Grantee the whole or any portion of his estate, and such person would not have succeeded according to the provisions of this Act to the estate or to a portion thereof if the transferor or testator had died without having made the transfer and intestate, the transfer of and succession to the property so transferred or bequeathed shall be regulated by the rules which would have governed the transfer of and succession to such property if the transferee or legatee had bought the same from a person not being a Taluqdár or Grantee.

Transfers to be in writing, signed and attested.

16. No transfer of any estate, or of any portion thereof, or of any interest therein, made by a Taluqdár or Grantee or by his heir or legatee under the provisions of this Act, shall be valid unless made by an instrument in writing signed by the transferor and attested by two or more witnesses.

17. If

17. If any such transfer be made by gift, the gift shall not be valid unless, within six months after the execution of the instrument of gift, the gift be followed by delivery by the donor, or his representative in interest, of possession of the property comprised therein, nor unless the instrument shall have been registered within one month from the date of its execution.

Further requisites to validity of gifts *inter vivos.*

18. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, shall have power to give his estate, or any portion thereof or interest therein, to religious or charitable uses, except by an instrument of gift executed not less than three months before his death, and subject to the provisions contained in section seventeen.

Gifts to religious or charitable uses.

VI.—*Testamentary Succession.*

19. Sections 49, 50, 51, 54, 55, and 57 to 77 (both inclusive), and sections 82, 83, 85, and 88 to 98 (both inclusive) of the Indian Succession Act (No. X of 1865), shall apply to all wills and codicils made by any Taluqdár or Grantee, or by his heir or legatee, under the provisions of this Act, for the purpose of bequeathing to any person his estate, or any portion thereof, or any interest therein : Provided that marriage shall not revoke any such will or codicil : Provided also that nothing herein contained shall affect wills made before the passing of this Act.

Sections of Succession Act applied to wills of Taluqdárs.

In applying the said sections to wills and codicils made under this Act, all words hereinbefore defined, and occurring in such sections, shall (unless there be something repugnant in the subject or context) be deemed to have the same meaning as this Act has attached to such words respectively.

20. No Taluqdár or Grantee, and no heir or legatee of a Taluqdár or Grantee, having a child, parent, brother, unmarried sister, or a nephew, being the naturally born son of a brother of such Taluqdár or Grantee, heir or legatee, shall have power to bequeath his estate or any part thereof or any interest therein exceeding in amount or value the sum of two thousand rupees to religious or charitable uses, except by a will executed not less than three months before his death, and registered within one month from the date of its execution.

Bequests to religious and charitable uses.

VII.—*Intestate*

VII.—*Intestate Succession.*

'Son,' 'descendants,' 'daughter,' 'brother,' 'widow,' defined.

21. In the next following section, unless where there is something repugnant in the context, the words 'son,' 'descendants,' 'daughter' and 'brother' apply only to *najíb-ul-tarfain*, and the word 'widow' applies only to a woman belonging to the *ahl-i-brádarí* of her deceased husband.

Special rules of succession to intestate Taluqdárs and Grantees.

22. If any Taluqdár or Grantee whose name shall be inserted in the second, third, or fifth of the lists mentioned in section eight, or his heir or legatee, shall die intestate as to his estate, such estate shall descend as follows, *viz* :—

(1).—To the eldest son of such Taluqdár or Grantee, heir or legatee, and his male lineal descendants, subject to the same conditions and in the same manner as the estate was held by the deceased;

(2).—Or if such eldest son of such Taluqdár or Grantee, heir or legatee, shall have died in his life-time, leaving male lineal descendants, then to the eldest and every other son of such eldest son successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(3).—Or if such eldest son of such Taluqdár or Grantee, heir or legatee, shall have died in his father's life-time without leaving male lineal descendants, then to the second and every other son of the said Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(4).—Or in default of such son or descendants, then to such son (if any) of a daughter of such Taluqdár or Grantee, heir or legatee, as has been treated by him in all respects as his own son, and to the male lineal descendants of such son, subject as aforesaid;

(5).—Or in default of such son or descendants, then to such person as the said Taluqdár or Grantee, heir or legatee, shall have adopted by a writing executed and attested in manner required in case of a will and registered, subject as aforesaid;

(6).—Or

(6).—Or in default of such adopted son, then to the eldest and every other brother of such Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities, and their respective male lineal descendants, subject as aforesaid;

(7).—Or in default of any such brother, then to the widow of the deceased Taluqdár or Grantee, heir or legatee; or, if there be more widows than one, to the widow first married to such Taluqdár or Grantee, heir or legatee, for her life-time only;

(8).—And upon the death of such widow, then to such son as the said widow shall, with the consent in writing of her deceased husband, have adopted by a writing executed and attested in manner required in case of a will and registered, subject as aforesaid;

(9).—Or on the death of such first married widow and in default of a son adopted by her with such consent and in such manner as aforesaid, then to the other widow, if any, of such Taluqdár or Grantee, heir or legatee, next in order of marriage, for her life, and on the death of such other widow, to a son adopted by her with such consent and in such manner as aforesaid; or in default of such adopted son, then to the other surviving widows according to their respective seniorities as widows, for their respective lives, and on their respective deaths, to the sons so adopted by them respectively, and to the male lineal descendants of such sons respectively, subject as aforesaid;

(10).—Or in default of any such widow or of any son so adopted by her, or of any such descendant, then to the male lineal descendants, not being *najíb-ul-tarfain*, of such Taluqdár or Grantee, heir or legatee, successively, according to their respective seniorities and their respective male lineal descendants, whether *najíb-ul-tarfain* or not;

(11).—Or in default of any such descendant, then to such persons as would have been entitled to succeed to the estate under the ordinary law to which persons of the religion and tribe of such Taluqdár or Grantee, heir or legatee, are subject.

Nothing contained in the former part of this section shall be construed to limit the power of alienation conferred by section eleven.

23. Except

23. Except in the cases provided for by section twenty-two, the succession to all property left by Taluqdárs and Grantees, and their heirs and legatees, dying intestate, shall be regulated by the ordinary law to which members of the intestate's tribe and religion are subject.

General rule of succession to intestate Taluqdárs and Grantees.

VIII.—*Maintenance.*

24. When any Taluqdár or Grantee, or his heir or legatee, dies leaving him surviving such relatives as are hereinafter mentioned, the person for the time being in the possession of his estate or the rents and profits thereof shall be liable to pay to each of such relatives during his or her life, or for such other period as is hereinafter mentioned, by twelve equal monthly payments, an annuity in accordance with the custom of the country not exceeding such amount as is hereinafter mentioned: Provided that such relative was at the date of the death of the deceased living together with him: Provided also that such relative is and continues to be without any other adequate means of maintenance.

Maintenance of surviving relatives of Taluqdárs and Grantees.

If any part of such estate shall have been transferred or bequeathed by the deceased, the person for the time being in possession of such part, or of the rents and profits thereof, shall be liable to pay proportionate parts of the said annuities during the continuance thereof respectively.

25. In the case of the grandparents, parents, and senior widows of the deceased, the maximum amount of the annuity shall be as follows:—

Grandparents, parents, and senior widows.

(*a.*) where the annual revenue payable to Government in respect of the estate is or exceeds 1,50,000 rupees——a sum not exceeding 6,000 rupees:

(*b.*) where such revenue is or exceeds 100,000 rupees, but is less than 1,50,000 rupees——a sum not exceeding 2,400 rupees:

(*c.*) where such revenue is or exceeds 50,000 rupees, but is less than 100,000 rupees——a sum not exceeding 1,200 rupees:

(*d.*) where such revenue is or exceeds 25,000 rupees, but is less than 50,000 rupees——a sum not exceeding 600 rupees:

 (*e*). where

(*e.*) where such revenue is or exceeds 15,000 rupees, but is less than 25,000 rupees——a sum not exceeding 360 rupees:

(*f.*) where such revenue is or exceeds 7,000 rupees, but is less than 15,000 rupees——a sum not exceeding 240 rupees; and

(*g.*) where such revenue is less than 7,000 rupees——a sum not exceeding 180 rupees.

Junior widows.

In the case of a junior widow of the deceased, the maximum amount of the annuity shall be one-half of the maximum amount to which a senior widow of the deceased would be entitled under the former part of this section.

Brothers and minor sons.

26. In the case of brothers and minor sons of the deceased, the maximum amount of the annuity shall be a sum not more than 1,200 rupees.

Nephews.

In the case of nephews of the deceased, being fatherless minors, the maximum amount of the annuity shall be a sum not more than 600 rupees.

Unmarried daughters, widows of sons and brothers and inferior widows.

27. In the case of unmarried daughters of the deceased, widows of his sons and brothers, and his widows not of his *ahl-i-brádarí*, the maximum amount of the annuity shall be a sum not more than 360 rupees.

Continuance of annuities.

28. Subject to the provisions hereinbefore contained, the said annuities shall continue,

(*a*) in the case of a minor son or a minor nephew, till he ceases to be a minor;

(*b*) in the case of a daughter or widow, till she voluntarily leaves the household of the heir or legatee of the deceased, or would, according to the custom of the country, cease to be entitled to maintenance, and

(*c*) in all other cases, till the annuitant dies.

IX.—*Miscellaneous.*

IX.—*Miscellaneous.*

Muhammadan Taluqdárs and Grantees empowered to adopt.

29. Every Muhammadan Taluqdár, Grantee, heir or legatee, and every widowof a Muhammadan Taluqdár or Grantee, heir or legatee, with the consent in writing of her deceased husband, shall, for the purposes of this Act, have power to adopt a son whenever, if he or she were a Hindú, he or she might adopt a son.

Such power shall be exerciseable only by writing executed and attested in manner required by section nineteen in case of a will and registered.

Alteration of rules of intestate succession in cases of Taluqdárs and Grantees named in list 3 or list 5.

30. Any Taluqdár or Grantee whose name has been entered in the third or fifth of the lists mentioned in section eight, or his heir or legatee, may, at any time hereafter, present to the Chief Commissioner of Oudh a declaration in writing, executed and registered in the manner required by this Act for the execution and registration of an instrument of gift, that he is desirous that the succession to his estate shall, in case of his intestacy, cease to be regulated in the manner described in section twenty-two, and that it shall in future be regulated by the ordinary law to which members of his tribe and religion are subject.

On receiving such declaration, the said Chief Commissioner shall cause to be inserted the name of such Taluqdár or Grantee, heir or legatee, in the fourth or sixth (as the case may be) of the lists mentioned in section eight, and shall cause a note thereof to be made in the proper place in the third or fifth (as the case may be) of the said lists, and the succession to such estate shall thenceforward, in case of intestacy, be regulated in the manner provided by section twenty-three.

Reverter to ordinary law of succession.

31. Any Taluqdár or Grantee, heir or legatee, may, at any time hereafter, present to the Chief Commissioner of Oudh a declaration in writing, executed and registered in the manner required by this Act for the execution and registration of instruments of gift, that he is desirous that his estate should in future be held subject to the ordinary law of succession to which members of his tribe and religion are subject.

On receiving such declaration, the Chief Commissioner shall cause a note thereof to be made in the proper places in each of the lists mentioned in section eight

eight in which the name of such Taluqdár or Grantee, heir or legatee, has been entered, and thenceforward none of the provisions of this Act shall apply to such estate, which shall thenceforward be held subject in all respects to the ordinary law of succession to which members of his] tribe and religion are subject.

Saving of rights of creditors.

32. Nothing hereinbefore contained shall affect any right which the creditors of any person making a transfer or bequest under the provisions of this Act, would have possessed as against the property comprised in such transfer or bequest if this Act had not been passed.

Awards as to compensation and maintenance.

33. And whereas bodies of Taluqdárs have in several cases made awards respecting the provision to be made for certain relatives of Taluqdárs, and it is expedient to render such awards legally enforceable; it is hereby further enacted that every such award shall, if approved by the Financial Commissioner of Oudh and filed in his Court within six months after the passing of this Act, be enforceable as if a Court of competent jurisdiction had passed judgment according to the award and a decree had followed upon such judgment.

SCHEDULES.

FIRST SCHEDULE.

(See section 3.)

I.

From C. BEADON, ESQ., Secretary to the Government of India, Foreign Department, to C. J. WINGFIELD, ESQ., Chief Commissioner of Oudh,—(No. 6268, dated 10th October 1859.)

No. 1091, dated the 4th June.
No. 1377, dated the 15th July.

I AM directed by the Governor General in Council to acknowledge the receipt of your Secretary's letters noted in the margin, relative to the Taluqdárí settlement of Oudh.

2. His Excellency in Council, agreeing with you as to the expediency of removing all doubts as to the intention of the Government to maintain the Taluqdárs in possession of the taluqas for which they have been permitted to engage, is pleased to declare that every Taluqdár with whom a summary settlement has been made since the re-occupation of the province, has thereby acquired a permanent hereditary and transferable proprietary right, *viz.*, in the taluqa for which he has engaged, including the perpetual privilege of engaging with the Government for the revenue of the taluqa.

This

3. This right is, however, conceded, subject to any measure which the Government may think proper to take for the purpose of protecting the inferior Zamíndárs and village occupants from extortion, and of upholding their rights in the soil in subordination to the Taluqdárs.

4. The Governor General in Council desires that you will have ready, by His Excellency's arrival at Lucknow, a list of the Taluqdárs upon whom a permanent proprietary right has now been conferred; and that you will prepare sanads to be issued to these Taluqdárs at that time. The sanads will be given by, and will run in the name of, the Chief Commissioner, acting under the authority of the Governor General.

5. I am directed to add that, as regards Zamíndárs and others, not being Taluqdárs, with whom a summary settlement has been made, the orders conveyed in the limitation Circular No. 31 of the 28th of January 1859, must not be strictly observed. Opportunity must be allowed at the next settlement to all disappointed claimants to bring forward their claims, and all such claims must be heard and disposed of in the usual manner.

II.

From C. BEADON, ESQ., Secretary to the Government of India, Foreign Department, with the Governor General, to Chief Commissioner, Oudh,—(No. 23, dated 19th October 1859).

I am directed by His Excellency the Governor General to acknowledge the receipt of your demi-official letter of the 15th instant, enclosing a form of sanad to be given to the Taluqdárs of Oudh, granting them a full and permanent proprietary right in the taluqas for which they have severally been permitted to engage at the summary settlement.

2. This form of sanad is generally approved, and a revised copy, with some few alterations, is herewith enclosed for adoption and for careful translation into the Hindústání language, in which the sanads will be prepared.

3. The sanads declare that while, on the one hand, the Government has conferred on the Taluqdárs and on their heirs for ever the full proprietary right in their respective estates, subject only to the payment of the annual revenue that may be imposed from time to time, and to certain conditions of loyalty and good service, on the other hand, all persons holding an interest in the land under the Taluqdárs will be secured in the possession of the subordinate rights which they have heretofore enjoyed.

4. The meaning of this is that, when a regular settlement of the province is made, wherever it is found that Zamíndárs or other persons have held an interest in the soil intermediate between the ryot and the Taluqdár, the amount or proportion payable by the intermediate holder to the Taluqdár, and the net jama finally payable by the Taluqdár to the Government, will be fixed and recorded after careful and detailed survey and inquiry into each case, and will remain unchanged during the currency of the settlement, the Taluqdár being, of course,

course, free to improve his income and the value of his property by the reclamation of waste lands (unless in cases where usage has given the liberty of reclamation to the Zamíndár), and by other measures of which he will receive the full benefit at the end of the settlement. Where leases (pattás) are given to the subordinate Zamíndárs, they will be given by the Taluqdár, not by the Government.

5. This being the position in which the Taluqdárs will be placed, they cannot, with any show of reason, complain if the Government takes effectual steps to re-establish and maintain in subordination to them the former rights, as those existed in 1855, of other persons whose connexion with the soil is in many cases more intimate and more ancient than theirs; and it is obvious that the only effectual protection which the Government can extend to these inferior holders, is to define and record their rights and to limit the demand of the Taluqdár as against such person during the currency of the settlement to the amount fixed by the Government as the basis of its own revenue demand.

6. What the duration of the settlement shall be, and what proportion of the rent shall be allowed in each case to Zamíndárs and Taluqdárs, are questions to be determined at the time of settlement.

The Governor General agrees in your observation that it is a bad principle to create two classes of recognized proprietors in one estate, and it is likely to lead to the alienation of a larger proportion of the land revenue than if there were only one such class. But whilst the taluqdárí tenure, notwithstanding this drawback, is about to be recognized and re-established, because it is consonant with the feelings and traditions of the whole people of Oudh, the zamíndárí tenure intermediate between the tenures of the Taluqdár and the ryot is not a new creation, and it is a tenure which, in the opinion of the Governor General, must be protected.

Second Schedule.

(*See section* 4.)

(1).—Dig-Bijay Singh, Rájá of Balrámpúr.

(2).—Rao Hardeo Bakhsh Singh, of Katíari.

(3).—Káshí Parshád, Taluqdár of Sisséndí.

(4) —Jhabba Singh, Zamíndár of Gopál Khéra.

(5).—Chandan Lál, Zamíndár of Moraon (Baiswára).

Office Supdt. Govt. Printing.—No. 9244 L. C.—20-1 69.—3,000.

ACT No. II OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th February 1869).

An Act for the appointment of Justices of the Peace.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to the appointment of Justices of the Peace; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Justices of the Peace Act, 1869."

Repeal of enactments.

2. The enactments mentioned in the schedule hereto annexed are hereby repealed to the extent specified in the third column of the same schedule.

Appointment of Justices of the Peace for the Mofussil.

3. The Governor General of India in Council, so far as regards the whole or any part of British India (other than the towns of Calcutta, Madras and Bombay),

and every Local Government, so far as regards the territories subject to its Government or administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such and so many of the Covenanted Civil Servants of the Crown in India, or other British inhabitants, as the said Governor General in Council or the Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within and for the territories mentioned in such notification.

Appointment of Justices of the Peace for the presidency towns.

4. The Governor General of India in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may,

PRICE TWO ANNAS.

may, by notification in the official Gazette, appoint any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within the limits of the town mentioned in such notification.

Powers and duties of Justices of the Peace.

5. All persons appointed under section three or section four shall be Justices of the Peace and shall have authority to act as such, and shall have power to commit for trial European British subjects of Her Majesty to the Court prescribed in that behalf by the law in force for the time being, and shall do all other acts appertaining to the office of Justice of the Peace which under or by virtue of any law in force for the time being may be done by a Justice of the Peace within the said territories or towns, as the case may be.

Powers of Justices of the Peace in Native States.

6. All persons being servants of Government appointed by the Governor General in Council to act as Justices of the Peace for the whole of British India,

and all persons being servants of Government appointed by a Local Government to act as Justices of the Peace for the territories subject to such Government other than the towns aforesaid,

shall, so far as regards European British and Christian subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, have power to act as Justices of the Peace and to commit such subjects for trial according to law.

Declarations to be taken by Justices of the Peace.

7. Provided that no person other than a person now acting as a Justice of the Peace under a commission shall be capable of acting as a Justice of the Peace until he shall have made and subscribed, before some other Justice of the Peace or the chief civil officer of any station within the territories or place in and for which he shall have been appointed, declarations to the following effect :—

" I declare that I will be faithful and bear true allegiance to Her Majesty."

" I declare that I will truly and faithfully discharge the office of a Justice of the Peace."

8. The

8. The subscriptions of such persons to the said declarations shall be deposited with and kept by such officer as the Governor General in Council or the Local Government (as the case may be) shall from time to time appoint.

Subscriptions to declarations to be kept.

9. The Governor General of India in Council in the case of any Justice of the Peace appointed by him, and the Local Government in the case of any Justice of the Peace appointed by it, may suspend or dismiss any person so appointed.

Power to suspend or dismiss.

10. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns under any commission issued by any of the said High Courts, shall be deemed to have been appointed under section three by the said Governor General in Council to act as a Justice of the Peace for the whole of British India.

Present Justices of the Peace to be deemed to be appointed under this Act.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section four by the Local Government.

SCHEDULE.

ACT No. II OF 1869.

SCHEDULE.

NUMBER OF STATUTE OR ACT.	TITLE OF STATUTE OR ACT.	EXTENT OF REPEAL.
33 Geo. III, Cap. 52 ...	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating, to certain uses, the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay.	Sections 151 and 152.
47 Geo. III, Sess. 2, Cap. 68.	An Act for the better Government of the Settlements of Fort St. George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5 and 6.
53 Geo. III, Cap. 155 ...	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
2 & 3 Wm. IV, Cap. 117 .	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI of 1841 ...	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI of 1845 ...	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII of 1864	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

Office Supdt. Govt. Printing,—No. 10406.—15-2-69.—100.

ACT No. III of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th February 1869).

An Act for the maintenance of the Rural Police in the North-Western Provinces.

Preamble.

WHEREAS it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the presidency of Fort William and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—PRELIMINARY.

Short title.

1. This Act may be called "The Rural Police (North-Western Provinces) Act."

Repeal of Acts.

2. Act No. II of 1865 *(to provide for the maintenance of the Rural Police in the territories under the government of the Lieutenant Governor of the North-Western Provinces and elsewhere)* and Act No. II of 1866 *(to amend Act No. II of* 1865*)*, are hereby repealed.

Extent of Act.

3. This Act extends to every District in which Act No. II of 1865 was in force immediately before the passing hereof.

II.—TAXES.

Taxes leviable under this Act.

4. Three kinds of taxes shall be leviable under this Act (that is to say), 1°, a House Tax; 2°, an Estate Tax; and 3°, a Tax on Muáfídárs, Sub-proprietors and Nazránádárs.

1.°—*The*

PRICE THREE ANNAS.

1.°—*The House Tax.*

Power to assess house-tax.

5. The proprietor of every Muáfí, Nazráná or other estate situate in any District to which this Act applies shall have power to assess and collect in each year from the occupant of every house on such estate, a sum not exceeding one rupee.

The Collector of the District shall have power to determine what shall, for the purposes of this section, be held to be a house.

Time of paying house-tax.

6. All sums assessed under section five shall be payable in advance for the revenue year next after the assessment, at the time when the first instalment of rents is ordinarily payable in that year for lands comprised in or adjacent to such estate.

Recovery of house-tax.

7. All sums so assessed shall be recoverable as if they were rent of land:

Provided that no person shall be liable to be ejected from any house in his occupation for non-payment of any such sum.

Petition against assessment.

8. Any person assessed under section five, and unable to pay the amount of the assessment, may present a petition on unstamped paper to the Collector of the District, and such Collector may, if he thinks fit, remit wholly or in part the said assessment.

Complaints of illegal collection.

All complaints of illegal collection under section five shall be cognizable by the Collectors of Land Revenue; and the provisions contained in Act No. X of 1859 *(to amend the Law relating to the recovery of rent in the presidency of Bengal)*, section twenty-three, as to institution, trial and appeal, shall apply to complaints under this section.

2.°—*The Estate Tax.*

Power to Collector to assess estate of proprietor failing to make sufficient assessment.

9. If, in any year, any such proprietor fails altogether to assess the sum mentioned in section five, or assesses under section five a sum which, in the opinion of the Collector of the District wherein the proprietor's estate is situate, is inadequate, it shall be lawful for such Collector to assess upon such estate a sum payable yearly by the proprietor thereof for the time being, and not exceeding in any

year

year the amount which might have been assessed in the same year under the same section on the occupants of the houses in such estate, less ten per centum.

Power to assess estates.

10. It shall be lawful for the Collector, or for any officer making a settlement of land-revenue, to assess upon any Muáfí, Nazráná, or other estate situate in any District to which this Act applies, a sum to be paid yearly by the proprietor thereof for the time being not exceeding the aggregate amount of the sums payable in respect of such estate or by the occupants of the houses thereon under sections five and nine, less ten per centum.

Such assessment shall be in addition to the municipal cess or percentage (if any) levied for the maintenance of rural police on the land-revenue payable in respect of such estate.

Alteration of assessment.

11. The sum assessable under section ten may from time to time, with the sanction of the Local Government, be altered by the Collector or officer aforesaid.

3°.—*The Tax on Muáfídárs, Sub-proprietors, and Nazránádárs.*

Power to levy cess on Muáfídárs, Sub-proprietors and Nazránádárs.

12. Besides the assessments made under section ten, it shall be lawful for the Collector or for any such officer as aforesaid, to levy in the case of any Muáfí or Nazráná estate upon the Muáfídárs, or (where a sub-settlement has been made) on the Sub-proprietors, or on the Nazránádárs, a municipal cess on the estimated jama at the same rate as the estate would have been charged with, had it not been held under a Muáfí or Nazráná title.

Mode and time of paying assessments.

13. The Local Government may from time to time prescribe, by notification in the official Gazette, by what instalments and at what times the assessments payable under sections ten and twelve shall be paid, and all sums assessed under either of those sections shall be recoverable as if they were arrears of revenue.

III.—Application of Taxes.

Application of taxes levied under this Act.

14. Subject to the orders of the Local Government, all taxes levied under this Act in any District shall, in the first instance, be applied to the maintenance of the village police in such District, and for the purpose of this section, 'maintenance' shall be deemed

to

to include their wages, the price of all necessaries and accoutrements supplied to them, rewards and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the District, or to any other useful purpose therein.

IV.—Accounts of Taxes.

Accounts to be kept.

15. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the official Gazette, from time to time, prescribe.

Accounts to be open to public.

16. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

Failure to keep or furnish accounts.

17. Any proprietor failing to comply with any rule made under section fifteen, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, and every such fine shall when recovered be applied for the purposes of this Act in the District where it is imposed.

V.—Village Watchmen.

Nomination of village watchmen.

18. Every person authorized to nominate a person to the office of village watchman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

Appointment or rejection of nominee.

The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected by such Magistrate at his discretion, or by some officer authorized by him in that behalf.

Failure to appoint.

19. In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a person to the office of village

village watchman shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

Duties of village watchmen.

20. Any village watchman appointed under this Act shall be liable to perform within the limits of his village, and in addition to his other duties, all or any of the duties imposed on Police Officers by Act No. V of 1861 *(for the regulation of Police)*; and for any neglect or disobedience in his official capacity, he shall be liable to the penalties which he would have incurred had he been a Police officer subject to the provisions of that Act and guilty of neglect or disobedience as the case might be.

VI.—MISCELLANEOUS.

Power to make rules.

21. The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local official Gazette.

Power to extend Act.

22. The Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Panjáb may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments; and the Governor General of India in Council may, by notification in the *Gazette of India*, extend this Act to any province for the time being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX of 1856 *(to make better provision for the appointment and maintenance of Police Chaukidárs in cities, towns, stations, suburbs and bázárs in the Presidency of Fort William in Bengal)*, or Act No. VI of 1868 *(to make better provision for the appointment of Municipal Committees in the North-Western Provinces, and for other purposes)*, or any other special municipal law shall have been extended, so long as such Act or law continues in force in such village.

Repeal of inconsistent rules.

23. From the date of any such extension of this Act, so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with any provision of this Act, shall cease to have effect therein.

Office Supdt. Govt. Printing.—No. 10641 L. C.—23-2-69—3,000.

THE INDIAN DIVORCE ACT, 1869.

CONTENTS.

Preamble.

I.—Preliminary.

SECTION.

1. Short title.
   Commencement of Act.
2. Extent of Act.
   Extent of power to grant relief generally and to make decrees of dissolution and nullity.
3. Interpretation-clause.

II.—Jurisdiction.

4. Matrimonial jurisdiction of High Courts to be exercised subject to this Act.
   Exception.
5. Enforcement of decrees or orders made heretofore by any Supreme or High Court.
6. Pending suits.
7. Court to act on principles of English Divorce Court.
8. Extraordinary jurisdiction of High Court.
   Power to transfer suits.
9. Reference to High Court.

III.—Dissolution of Marriage.

10. When husband may petition for dissolution.
    When wife may petition for dissolution.
    Contents of petition.
11. Adulterer to be a co-respondent.
12. Court to be satisfied of absence of collusion.
13. Dismissal of petition.
14. Power to Court to pronounce decree for dissolving marriage.
    Condonation.
15. Relief in case of opposition on certain grounds.
16. Decrees for dissolution to be *nisi*.
    Collusion.
17. Confirmation of decree for dissolution by District Judge.

IV.—Nullity of Marriage.

18. Petition for decree of nullity.
19. Grounds of decree.

PRICE TWELVE ANNAS.

SECTION.

20. Confirmation of District Judge's decree.
21. Children of annulled marriage.

V.—Judicial Separation.

22. No decree for divorce *a mensâ et toro* to be made.
Decree of judicial separation obtainable by husband or wife.
23. Application for separation made by petition.
24. Separated wife to be deemed a spinster with respect to after-acquired property.
25. Separated wife to be deemed a spinster for purposes of contract and suing.

Reversal of Decree of Separation.

26. Decree of separation obtained during the absence of husband or wife may be reversed.

VI.—Protection Orders.

27. Deserted wife may apply to the Court for protection.
28. Court may grant protection-order.
29. Discharge or variation of orders.
30. Liability of husband seizing his wife's property after notice of order.
31. Wife's legal position during continuance of order.

VII.—Restitution of Conjugal Rights.

32. Petition for restitution of conjugal rights.
33. Answer to petition.

VIII.—Damages and Costs.

34. Husband may claim damages from adulterer.
35. Power to order adulterer to pay costs.
Power to order litigious intervenor to pay costs.

IX.—Alimony.

36. Alimony *pendente lite.*
37. Power to order permanent alimony.
Power to order monthly or weekly payments.
38. Court may direct payment of alimony to wife or to her trustee.

X.—Settlements.

39. Power to order settlement of wife's property for benefit of husband and children.
Settlement of damages.
40. Inquiry into existence of ante-nuptial or post-nuptial settlements.

XI.—Custody of Children.

41. Power to make orders as to custody of children in suit for separation.
42. Power to make such orders after decree.

SECTION.

43. Power to make orders as to custody of children in suits for dissolution or nullity.
44. Power to make such orders after decree or confirmation.

XII.—Procedure.

45. Code of Civil Procedure to apply.
46. Forms of petitions and statements.
47. Stamp on petition.
Petition to state absence of collusion.
Statements to be verified.
48. Suits on behalf of lunatics.
49. Suits by minors.
50. Service of petition.
51. Mode of taking evidence.
52. Competence of husband and wife to give evidence as to cruelty or desertion.
53. Power to close doors.
54. Power to adjourn.
55. Enforcement of and appeals from orders and decrees.
No appeal as to costs.
56. Appeal to Queen in Council.

XIII.—Remarriage.

57. Liberty to parties to marry again.
58. English clergyman not compelled to solemnize marriages of persons divorced for adultery.
59. English Minister refusing to perform ceremony to permit use of his church.

XIV.—Miscellaneous.

60. Decree for separation or protection-order to be valid as to persons dealing with wife before reversal.
Indemnity of persons making payment to wife without notice of reversal of decree or protection-order.
61. Bar of suit for criminal conversation.
62. Power to make rules.

SCHEDULE OF FORMS.

Nos.

1. Petition by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.
2. Respondent's statement in answer to No. 1.
3. Co-respondent's statement in answer to No. 1.
4. Petition for decree of nullity of marriage.

Nos.

5. Petition by wife for judicial separation on the ground of her husband's adultery.
6. Statement in answer to No. 5.
7. Statement in reply to No. 6.
8. Petition for a judicial separation by reason of cruelty.
9. Statement in answer to No. 8.
10. Petition for reversal of decree of separation.
11. Form of petition for protection-order.
12. Petition for alimony pending the suit.
13. Statement in answer to No. 12.
14. Form of undertaking by minor's next friend to be answerable for respondent's costs.

ACT No. IV OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th February 1869).

An Act to amend the law relating to Divorce and Matrimonial Causes in India.

Preamble.

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

I.—Preliminary.

Short title.

Commencement of Act.

1. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of April 1869.

Extent of Act.

2. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.

Extent of power to grant relief generally.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

And to make decrees of dissolution.

or to make decrees of dissolution of marriage except in the following cases:—(*a*) where the marriage shall have been solemnized in India; or (*b*) where the adultery, rape or unnatural crime complained of shall have been committed in India; or (*c*) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

Or of nullity.

or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

3. In this

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

"High Court."

(1). "High Court" means in any Regulation Province the Court there established under the Act of the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four,

in the territories for the time being subject to the government of the Lieutenant Governor of the Panjáb, the Chief Court of the Panjáb,

~~in British Burma, the High Court of Judicature at Fort William in Bengal,~~

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were an European British subject of Her Majesty :

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together :

"District Judge."

(2). "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

~~in the~~ Non-Regulation Provinces, other than British Burma and Sind, a Commissioner of a Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain,

in Sind, the Judicial Commissioner in that province,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the High Court in the exercise of its original jurisdiction under this Act :

(3). "District Court"

(3). "District Court" means, in the case of any petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

"District Court."

(4). "Court" means the High Court or the District Court, as the case may be:

"Court."

(5). "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

"Minor children."

(6). "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

"Incestuous adultery."

(7). "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

"Bigamy with adultery."

(8). "Marriage with another woman" means marriage of any person, being married, to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

"Marriage with another woman."

(9). "Desertion" implies an abandonment against the wish of the person charging it; and

"Desertion."

(10). "Property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

"Property."

II.—Jurisdiction.

4. The jurisdiction now exercised by the High Courts in respect of divorce *a mensâ et toro*, and in all other causes, suits and matters matrimonial, shall be exercised by such Courts and by the District Courts subject to the provisions in this Act contained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

Matrimonial jurisdiction of High Courts to be exercised subject to this Act.

Exception.

5. Any

Enforcement of decrees or orders made heretofore by any Supreme or High Court.

5. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras or Bombay sitting on the ecclesiastical side, or of any of the said High Courts sitting in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

Pending suits.

6. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

Court to act on principles of English Divorce Court.

7. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

Extraordinary jurisdiction of High Court.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

Power to transfer suits.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

Reference to High Courts.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon,

the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—Dissolution

III.—Dissolution of Marriage.

When husband may petition for dissolution.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

When wife may petition for a dissolution.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that, since the solemnization thereof, her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman ;

or has been guilty of incestuous adultery,

or of bigamy with adultery,

or of marriage with another woman with adultery,

or of rape, sodomy or bestiality,

or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,

or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Contents of petition.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

Adulterer to be a co-respondent.

11. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court :—

(1).—That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2).—That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3).—That the alleged adulterer is dead.

12. Upon

12. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

Court to be satisfied of absence of collusion.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

Dismissal of petition.

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

14. In case the Court is satisfied on the evidence that the case of the petitioner has been proved,

Power to Court to pronounce decree for dissolving marriage.

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

Condonation.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

Relief in case of opposition on certain grounds.

15. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

Decrees for dissolution to be *nisi*.

16. Every decree for a dissolution of marriage made by a High Court not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time, directs.

Collusion.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court

The High Court may order the costs of Counsel and witnesses and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

Confirmation of decree for dissolution by District Judge.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for dissolution of marriage shall be heard (where the number of the Judges of the High Court is three or upwards) by a Court composed of three such Judges, and in case of difference the opinion of the majority shall prevail, or (where the number of the Judges of the High Court is two) by a Court composed of such two Judges, and in case of difference the opinion of the Senior Judge shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make an order confirming the decree for dissolution of marriage, or such other order as to the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in section sixteen shall apply to every suit so removed: or it may direct the District Judge to take

to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

IV.—Nullity of Marriage.

Petition for decree of nullity.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

Grounds of decree.

19. Such decree may be made on any of the following grounds:—

(1).—That the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(2).—That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity;

(3).—That either party was a lunatic or idiot at the time of the marriage;

(4).—That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

Confirmation of District Judge's decree.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three and four, shall *mutatis mutandis* apply to such decrees.

Children of annulled marriage.

21. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial

V.—Judicial Separation.

No decree for divorce *a mensâ et toro* to be made.

Decree of judicial separation obtainable by husband or wife.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

Application for separation made by petition.

23. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

Separated wife to be deemed a spinster with respect to after-acquired property.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her,

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead :

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

Separated wife to be deemed a spinster for purposes of contract and suing.

25. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation :

Provided

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessaries supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Reversal of Decree of Separation.

Decree of separation obtained during the absence of husband or wife may be reversed.

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

VI.—Protection Orders.

Deserted wife may apply to the Court for protection.

27. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her husband, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

Court may grant protection-order.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from

from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

Discharge or variation of orders.

29. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

Liability of husband seizing his wife's property after notice of order.

30. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

Wife's legal position during continuance of order.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

Petition for restitution of conjugal rights.

32. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

Answer to petition.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages

VIII.—Damages and Costs.

Husband may claim damages from adulterer.

34. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

Power to order adulterer to pay costs.

35. Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings :

Provided that the co-respondent shall not be ordered to pay the petitioner's costs

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Power to order litigious intervenor to pay costs.

Whenever any application is made under section seventeen, the Court, if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

IX.—Alimony.

Alimony *pendente lite.*

36. In any suit under this Act, whether it be instituted by a husband or a wife, and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

Power to order permanent alimony.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

Power to order monthly or weekly payments.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

Court may direct payment of alimony to wife or to her trustee.

38. In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court

Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—Settlements.

Power to order settlement of wife's property for benefit of husband and children.

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

Settlement of damages.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

Inquiry into existence of ante-nuptial or post-nuptial settlements.

40. The High Court, after a decree absolute for dissolution of marriage, or a decree of nullity of marriage,

and the District Court, after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody

XI.—Custody of Children.

Power to make orders as to custody of children in suit for separation.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make such orders after decree.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make orders as to custody of children in suits for dissolution or nullity.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree,

and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders, and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make such orders after decree or confirmation.

44. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

XII.—Procedure.

Code of Civil Procedure to apply.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Forms of petitions and statements.

46. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Stamp on petition.

Petition to state absence of collusion.

47. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and shall, in the first, second and third cases mentioned in this section, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

Repealed by Act XII of 1870.

Statements to be verified.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Suits on behalf of lunatics.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits by minors.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Such

Such undertaking shall bear a stamp of eight annas and shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

Service of petition.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

Mode of taking evidence.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

Competence of husband and wife to give evidence as to cruelty or desertion.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

Power to close doors.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

Power to adjourn.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

55. All

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from, in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from, under the laws, rules and orders for the time being in force:

Enforcement of and appeals from orders and decrees.

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage: nor from the order of the High Court confirming or refusing to confirm such decree:

No appeal as to costs.

Provided also that there shall be no appeal on the subject of costs only.

56. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

Appeal to Queen in Council.

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is a fit one for appeal to Her Majesty in Council.

XIII.—Remarriage.

57. When six months after the date of an order of a High Court confirming the decree for a dissolution of marriage made by a District Judge have expired,

Liberty to parties to marry again.

or when six months after the date of any decree of a High Court dissolving a marriage have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction,

or when any such appeal has been dismissed,

or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided

Provided that no appeal to Her Majesty in Council has been presented against any such order or decree.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again as if the prior marriage had been dissolved by death.

English clergyman not compelled to solemnize marriages of persons divorced for adultery.

58. No clergyman in Holy Orders of the ~~United~~ Church of England ~~and Ireland~~ shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty or censure for solemnizing or refusing to solemnize the marriage of any such person.

English Minister refusing to perform ceremony to permit use of his church.

59. When any Minister of any Church or Chapel of the said ~~United~~ Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

XIV.—Miscellaneous.

Decree for separation or protection-order to be valid as to persons dealing with wife before reversal.

60. Every decree for judicial separation or order to protect property, obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary, for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall affect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge or variation thereof.

Indemnity of persons making payment to wife without notice of reversal of decree or protection-order.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied, or the separation of the wife from her husband may

may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued,

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the the cessation or discontinuance of the separation.

Bar of suit for criminal conversation.

61. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

Power to make rules.

62. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same :

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations and additions shall be published in the local official Gazette.

SCHEDULE OF FORMS.

No. 1.—PETITION *by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.*

(*See sections* 10 *and* 34).

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.* of

SHEWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to *C. B.*, then *C. D.*, spinster at . (*a*)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at , in , and that your petitioner

(*a*). If the marriage was solemnized out of India, the adultery must be shown to have been committed in India.

petitioner and his said wife have had issue of their said marriage, *five* children, of whom *two* sons only survive, aged respectively *twelve* and *fourteen* years.

3. That during the *three* years immediately preceding the day of one thousand eight hundred and , *X. Y.* was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said *C. B.* in your petitioner's said house committed adultery with the said *X. Y.*

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said *X. Y.* do pay the sum of rupees 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit,

(Signed) *A. B.* (*a*)

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—Respondent's statement in answer to No. 1.

In the Court of the day of

Between *A. B.*, petitioner,
C. B., respondent, and
X. Y., co-respondent.

C. B., the respondent, by *D. E.* her attorney [*or* vakîl] in answer to the petition of *A. B.* says that she denies that she has on divers or any occasions committed adultery with *X. Y.*, as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition,

(Signed) *C. B.*

No. 3.—Co-respondent's statement in answer to No. 1.

In the (High) Court of
The day of

Between *A. B.*, petitioner,
C. B., respondent, and
X. Y., co-respondent.

(*a*). The petition must be signed by the petitioner.

X. Y., the

X. Y., the co-respondent, in answer to the petition filed in this cause, saith that he denies that he committed adultery with the said *C. B.* as alleged in the said petition.

Wherefore the said *X. Y.* prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

_____ (Signed) *X. Y.*

No. 4.—PETITION *for Decree of Nullity of Marriage.*
(*See section* 18).

In the (High) Court of
To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of , 186 .
The petition of *A. B.* falsely called *A. D.*,

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to *C. D.*, then a bachelor of about thirty years of age, at [*some place in India.*]

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said *C. D.*, at divers places, and particularly at aforesaid.

3. That the said *C. D.* has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said *C. D.* was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said *C. D.* with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void. (Signed) *A. B.*

Form of Verification: See No. 1.

No. 5.—PETITION *by wife for judicial separation on the ground of her husband's adultery.*
(*See section* 22).

In the (High) Court of
To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of 186 ,
The petition of *C. B.*, of the wife of *A. B.*

SHEWETH,

1. That on the day of , one thousand eight hundred and *sixty* your petitioner, then *C. D.*, was lawfully married to *A. B.*, at the Church of , in the

2. That

2. That after her said marriage, your petitioner cohabited with the said *A. B.* at and at , and that your petitioner and her said husband have issue living of their said marriage, *three* children, to wit, &c., &c. (*a*).

3. That on divers occasions in or about the months of *August, September* and *October,* one thousand eight hundred and *sixty* , the said *A. B.*, at ., aforesaid, committed adultery with *E. F.*, who was then living in the service of the said *A. B.* and your petitioner at their said residence aforesaid.

4. That on divers occasions in the months of *October, November* and *December,* one thousand eight hundred and *sixty* , the said *A. B.* at aforesaid, committed adultery with *G. H.*, who was then living in the service of the said *A. B.* and your petitioner at their said residence aforesaid.

5. That no collusion or connivance exists between your petitioner and the said *A. B.* with respect to the subject of the present suit.

Your petitioner therefore prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) *C. B.* (*b*).

Form of Verification: See No. 1.

No. 6.—*Statement in answer to No.* 5.

In the (High) Court of

B. against *B.*

The day of

The respondent, *A. B.*, by *W. Y.*, his attorney [*or* vakíl] saith,—

1. That he denies that he committed adultery with *E. F.*, as in the third paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with *E. F.*, if any.

3. That he denies that he committed adultery with *G. H.*, as in the fourth paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with *G. H.*, if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

(Signed) *A. B.*

(*a*).—State the respective ages of the children.
(*b*).—The petition must be signed by the petitioner.

No. 7.—Statement in reply to No. 6.

In the (High) Court of

B. against *B.*

The day of

The petitioner, *C. B.*, by her attorney [*or* vakíl], says—

1. That she denies that she condoned the said adultery of the respondent with *E. F.* as in the second paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with *G. H.* as set forth in the fourth paragraph of the petition.

(Signed) *C. B.*

No. 8.—PETITION *for a judicial separation by reason of cruelty.*

[*See section* 22].

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186

The petition of *A. B.* (wife of *C. B.*) of

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then *A. D.*, spinster, was lawfully married to *C. B.*, at

2. That from her said marriage, your petitioner lived and cohabited with her said husband at until the day of , one thousand eight hundred and , when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said *C. B.* habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of one thousand eight hundred and , the said *C. B.* in the highway and opposite to the house in which your petitioner and the said *C. B.* were then residing at aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of *F. D.*, your petitioner's brother.

5. That subsequently on the same evening, the said *C. B.* in his said house at aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

6. That

6. That on one Friday night in the month of one thousand eight hundred and , the said *C. B.*, in , without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the day of , one thousand eight hundred and , your petitioner, by reason of the great and continued cruelty practised towards her by her said husband, with assistance withdrew from the house of her said husband to the house of her father at : that from and after the said day of , one thousand eight hundred and , your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said *C. B.*, and also order that the said *C. B.* do pay the costs of and incident to these proceedings.

(Signed) *A. B.*

Form of Verification : See No. 1.

No. 9.—*Statement in answer to No.* 8.

In the (High) Court of

The day of

Between *A. B.*, petitioner, and

C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause by *W. J.* his attorney [*or* vakíl] saith that he denies that he has been guilty of cruelty towards the said *A. B.*, as alleged in the said petition.

(Signed) *C. B.*

No. 10.—PETITION *for reversal of decree of separation.*

(*See section* 24).

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *A. B.*, of

SHEWETH,

1. That your petitioner was on the day of lawfully married to

2. That on the day of , this (Hon'ble) Court at the petition of pronounced a decree affecting the petitioner to the effect following, to wit,—

[*Here set out the decree*].

3. That such decree was obtained in the absence of your petitioner, who was then residing at

[*State*

[*State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence*].

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife

[*Here state any legal grounds justifying the petitioner's separation from his wife*].

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

(Signed) *A. B.*

Form of Verification : *See No.* 1.

No. 11.—Petition *for Protection-order.*

(See section 27).

In the (High) Court of

To the Hon'ble Mr. Justice [*or* To the Judge of]

The day of 186 .

The petition of *C. B.*, of ,
the wife of *A. B.*

Shewetii,

That on the day of she was lawfully married to *A. B.*, at

That she lived and cohabited with the said *A. B.* for years at , and also at , and hath had children, issue of her said marriage, of whom are now living with the applicant, and wholly dependent upon her earnings.

That on or about , the said *A. B.*, without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own industry [*or* on her own property, *as the case may be*], and hath thereby and otherwise acquired certain property consisting of [*here state generally the nature of the property*].

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said *A. B.*, and from all creditors and persons claiming under him.

(Signed) *C. B.*

No. 12.—Petition

No. 12.—PETITION *for alimony pending the suit.*
(See section 36*).*

In the (High) Court of

B. against *B.*

To the Hon'ble Mr. Justice [*or* To the Judge of]
The day of 186

The petition of *C. B.*, the lawful wife of *A. B.*

SHEWETH,

1. That the said *A. B.* has for some years carried on the business of , at , and from such business derives the nett annual income of from Rs. 4,000 to 5,000.

2. That the said *A. B.* is possessed of plate, furniture, linen and other effects at his said house, aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said *A. B.* is entitled, under the will of his father, subject to the life interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount (*a*).

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) *C. B.*

Form of Verification : See No. 1.

No. 13.—*Statement in answer to No.* 12.

In the (High) Court of

B. against *B.*

A. B. of , the above-named respondent, in answer to the petition for alimony, pending the suit, of *C. B.*, says—

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried on the business of , at , and that, from such business, I have derived a nett annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the second paragraph of the said petition, I say that I am possessed of plate, furniture, linen and other chattels and effects at my said house aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that

(*a*) The petitioner should state her husband's income as accurately as possible.

a portion

a portion of the said plate, furniture, and other chattels and effects of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life-interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000 the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that, when my wife left my dwelling-house on the day of last, she took with her, and has ever since withheld and still withholds from me, plate, watches and other effects in the second paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least; and I also say that, within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. , and that she has ever since withheld and still withholds from me the same sum.

(Signed) *A. B.*

No. 14.—UNDERTAKING *by minor's next friend to be answerable for respondent's costs.* (*See section* 49).

In the (High) Court of

I, the undersigned *A. B.*, of being the next friend of *C. D.* who is a minor, and who is desirous of filing a petition in this Court, under the Indian Divorce Act, against *D. D.* of , hereby undertake to be responsible for the costs of the said *D. D.* in such suit, and that, if the said *C. D.* fail to pay to the said *D. D.* when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him [*or* her] to pay to the said *D. D.*, I will forthwith pay the same to the proper officer of this Court.

Dated this day of 186 .

(Signed) *A. B.*

INDEX.

(Nothing hereinafter contained shall be deemed to have the force of law).

Abandonment, implied in 'desertion,' sec. 3, cl. 9.
Absence, reversal of decree of separation obtained in, sec. 26.
Accessory to adultery, secs. 12, 13, 14.
Act VIII of 1859, see *Code of Civil Procedure.*
„ X of 1865 (s. 4), sec. 27.
Adjournment of hearing, sec. 54.
Adulterer when to be a co-respondent, sec. 11.
See *Damages, Death.*
Adultery, committed in India, sec. 2.
„ incestuous, sec. 3, cl. 6.
„ bigamy with, defined, *ib.*, cl. 7.
„ dissolution of marriage on ground of, sec. 10.
„ coupled with cruelty, dissolution on ground of, *ib.*
„ coupled with desertion, dissolution on ground of, *ib.*
„ of petitioner, sec. 14.
„ neglect or misconduct conducing to, *ib.*
„ judicial separation on ground of, sec. 22.
„ English clergymen not compelled to remarry persons divorced for, sec. 58
„ revival of condoned, schedule No. 7.
See *Accessory, Condonation.*
Affidavit, case may be verified by, sec. 51.
Affinity, prohibited degrees of, sec. 19.
Agreement between separated husband and wife, sec. 24.
Akyab, jurisdiction of Recorder at, sec. 3, cl. 2.
Alimony, non-payment of, sec. 25.
„ *pendente lite*, petition for, sec. 36.
„ „ service of copy of petition for, *ib.*
„ „ continuance of, *ib.*
„ power to order permanent, sec. 37.
Allied States, 'High Court' for, sec. 3, cl. 1.
„ 'District Judge' in, *ib.*, cl. 2.
Answer to petition for restitution of conjugal rights, sec. 33.
Ante-nuptial settlement, see *Settlement.*
Apostacy and second marriage of husband, dissolution on ground of, secs. 2, 10.
Apostate respondent, sec. 2.

Appeals

Appeals from orders and decrees, sec. 55.
„ not from District Judge's decree for dissolution or of nullity, *ib.*
„ not from order of High Court as to confirmation of District Judge's decree, *ib.*
„ not on subject of costs only, *ib.*
„ to Queen in Council, sec. 56.
Appointment of new trustee to receive alimony, sec. 38.
See *Power.*
Arakan, Recorder at Rangoon's jurisdiction in, sec. 3, cl. 2.
Bestiality, committed in India, sec. 2.
„ dissolution on ground of, sec. 10.
Bigamy with adultery, sec. 3, cl. 7.
„ „ dissolution on ground of, sec. 10.
Burma, 'High Court' for, sec. 3, cl. 1.
„ 'District Judge' in, *ib.*, cl. 2.
Certificate of result of enquiry and additional evidence in cases of confirmation of decree for dissolution, sec. 17.
Chapel, see *Clergyman.*
Chief Court of Panjáb, sec. 3, cl. 1.
Children of annulled marriage, sec. 21.
„ settlement of wife's property for benefit of, sec. 39.
„ parents not to be benefited at expense of, sec. 40.
See *Minor Children.*
Christian, petitioner must be a, sec. 2.
Church of England, see *Clergyman.*
Clergyman of English Church need not solemnize marriage of person divorced for adultery, sec. 58.
„ to permit solemnization of such marriage in his Church or Chapel, sec. 59.
Closing doors, sec. 53.
Code of Civil Procedure to regulate proceedings under Act, sec. 45.
Cohabitation, continuance of, sec. 14.
„ resumption of, secs. 14, 24.
„ withdrawal from, sec. 32.
Collusion, Court to satisfy itself as to absence of, sec. 12.
„ dismissal of petition in case of, sec. 13.
„ power to show cause why decree for dissolution should not be made absolute on ground of, sec. 16.
„ power to apply for removal of suit to High Court on ground of, sec. 17.
„ power to order District Judge to take steps as to, *ib.*
„ certain petitions to state absence of, sec. 47.
Commencement of Act, sec. 1.
„ of desertion, sec. 28.

Commissioner

Commissioner of a Division to be a 'District Judge,' sec. 3, cl. 2.
Condonation of adultery, secs. 12, 13.
„ implies resumption or continuance of cohabitation, sec. 14.
See *Revival.*
Confirmation of decree for dissolution by District Judge, sec. 17.
„ Court to hear cases for, *ib.*
„ when pronounced, *ib.*
„ of District Judge's decree of nullity, sec. 20.
Conjugal rights, restitution of, sec. 32.
„ „ answer to petition for, sec. 33.
Connivance at adultery or at form of marriage of apostate, secs. 12, 13, 14.
„ certain petitions to state absence of, sec. 47.
Consanguinity either natural or legal, sec. 3, cl. 6.
„ prohibited degrees of, sec. 18.
Contingent decree, sec. 9.
Continuance of cohabitation, sec. 14.
„ alimony *pendente lite,* sec. 36.
Contracts of wife during continuance of protection-order, sec. 31.
Co-respondent, adulterer to be made a, sec. 11.
„ damages against, sec. 34.
„ may be ordered to pay costs, sec. 35.
Costs of shewing cause in High Court why decree for dissolution should not be made absolute on ground of collusion, sec. 16.
„ incurred by separated wife, non-liability of husband for, sec. 25.
„ power to order co-respondent to pay, sec. 35.
„ power to order litigious intervenor to pay, *ib.*
„ minor's next friend to be answerable for, sec. 49.
„ no appeal on subject of, sec. 55.
Countercharge against petitioner, sec. 12.
'Court' defined, sec. 3, cl. 4.
See *Collusion, District Court, High Court.*
Coverture, disability of, sec. 39.
Creditors of husband seizing wife's property after notice of protection-order, sec. 30.
Criminal conversation, suit for, abolished in certain cases, sec. 61.
Cross-examination of deponent, sec. 51.
Cruelty, dissolution on ground of adultery coupled with, sec. 10.
„ of petitioner, sec. 14.
„ judicial separation on ground of, sec. 22.
„ husband and wife may give evidence as to, sec. 52.
Custody, see *Minor Children.*

Damages

Damages from adulterer when claimable, sec. 34.
„ to be ascertained by Court, *ib.*
„ payment or application of, *ib.*
„ settlement of, sec. 40.
Death of alleged adulterer, sec. 11.
Decrees of Supreme Court, sec. 5.
„ for dissolution, sec. 14.
„ „ by High Court to be *nisi*, sec. 16.
„ „ by District Court to be confirmed, sec. 17.
„ of nullity, sec. 18.
„ of judicial separation, sec. 22.
„ reversal of, sec. 26.
„ of restitution of conjugal rights, sec. 32.
See *Appeals.*
Delay of petitioner, sec. 14.
„ „ in moving to have decree *nisi* made absolute, sec. 16.
Deponent, see *Affidavit, Cross-examination, Re-examination.*
Desertion, kind of abandonment implied in, sec. 3, cl. 9.
„ dissolution on ground of adultery coupled with, sec. 10.
„ by petitioner, sec. 14.
„ separation on ground of, sec. 22.
„ husband and wife may give evidence as to, sec. 52.
See *Reasonable excuse.*
Discharge of protection-order, sec. 29.
„ of order for permanent alimony, sec. 37.
Dismissal of petition for dissolution, sec. 13.
„ by District Court does not bar petition to High Court, *ib.*
„ of suit when petitioner fails to move to have decree *nisi* made absolute, sec. 16.
Dissolution of marriage, secs. 2,10—17.
„ „ grounds of, sec. 10.
„ „ adulterer to be a co-respondent to petition for, sec. 11.
„ „ absence of collusion in petitioner for, sec. 12.
„ „ dismissal of petition for, sec. 13.
„ „ decree for, secs. 14, 16,17.
„ „ relief in case of opposition to suit for, sec. 15.
„ „ removal of suits for, sec. 17.
„ „ damages claimable in petition for, sec. 34.
„ „ settlement on, sec. 39.
„ „ inquiry into settlements after, sec. 40.
„ „ orders for custody of children in suits for, sec. 43.
„ „ orders for custody of children after, sec. 44.

Dissolution of marriage, evidence in suits by wife for, sec. 52.
" " remarriage after, secs. 57, 58, 59.
" " form of petition for, schedule No. 1.
'District Court' defined, sec. 3, cl. 3.
" to exercise matrimonial jurisdiction, sec. 4.
" to act on principles of English Divorce Court, sec. 7.
" removal of suits from, sec. 8, cl. 1.
" transfer of suits to, *ib.*, cl. 2.
" reference of questions by, sec. 9.
" petitions to, secs. 10, 18, 23, 26, 27, 32, 34, 36, 42, 44.
" confirmation of its decrees for dissolution, sec. 17.
" confirmation of its decrees of nullity, sec. 20.
" may reverse decrees of separation, sec. 26.
" may order settlements, sec. 30.
" to ascertain damages, sec. 34.
" may order alimony, secs. 36, 37.
" may enquire into settlements, sec. 40.
" may make orders as to custody of children, secs. 41, 42, 43, 44.
" to approve of minor's next friend, sec. 49.
" may close doors, sec. 53.
" may adjourn, sec. 54.
" enforcement of decrees and orders of, sec. 55.
" appeals from decrees and orders of, *ib.*
See *District Judge, High Court.*
'District Judge' defined, sec. 3, cl. 2.
Division, see *Commissioner.*
Divorce, see *Dissolution of Marriage.*
" *a mensâ et thoro,* jurisdiction in respect of, sec. 4.
" " " cruelty entitling to, sec. 10.
" " " decree for, not to be made, sec. 22.
Divorce Court, Courts to act on principles of English, sec. 7.
Education, see *Minor children.*
Enforcement of decrees and orders of Supreme Court, sec. 5.
" " High Court or District Court, sec. 55.
European British subject, sec. 3, cl. 1.
Evidence, High Court may direct additional, to be taken, sec. 7.
" protection-order to be conclusive, sec. 28.
" may be required on adjournment, sec. 45.
" statements in petitions may be referred to as, sec. 47.
" mode of taking, sec. 51.
See *Affidavit, Cross-examination, Cruelty, Re-examination, Witnesses.*

Execution

Execution stayed in case of reference, sec. 9.
Filing next friend's undertaking, sec. 49.
Forms of petitions and statements, sec. 46, and schedule.
Further enquiry, secs. 16, 17.
„ evidence, secs. 17, 54.
Gazette, see *Notification, Rules.*
Governor General in Council may appoint 'District Judges' for allied States, sec. 3, cl. 2.
'High Court', defined, sec. 3, cl. 1.
„ exercise of matrimonial jurisdiction of, sec. 4.
„ enforcement of former decrees of, sec. 5.
„ pending suits in, sec. 6.
„ to act on principles of English Divorce Court, sec. 7.
„ extraordinary jurisdiction of, sec. 8.
„ may transfer suits, *ib.*
„ references to, sec. 9.
„ petitions to, secs. 10, 18, 23, 26, 27, 32, 34, 36, 42, 44.
„ its decrees for dissolution to be *nisi*, sec. 16.
„ shewing cause why such decrees should not be made absolute, *ib.*
„ may reverse decree *nisi*, *ib.*
„ may require further inquiry, *ib.*
„ to confirm decrees of District Judge for dissolution, sec. 17.
„ may remove suits and try them, *ib.*
„ may direct District Judge to take steps in case of collusion, *ib.*
„ to confirm District Judge's decree of nullity, sec. 20.
„ may reverse decrees of separation, sec. 26.
„ to ascertain damages, sec. 34.
„ may order alimony, secs. 36, 37.
„ may order settlements, sec. 39.
„ may enquire into existence of settlements, sec. 40.
„ may make orders as to custody of children; secs. 41, 42, 43, 44.
„ to approve of minor's next friend, sec. 49.
„ may close doors, sec. 53.
„ may adjourn, sec. 54.
„ appeals from, secs. 55, 56.
„ enforcement of decrees and orders of, sec. 55.
„ its power to make rules, sec. 62.
See *Orders.*
Husband, when he may petition for a dissolution, secs. 2, 10.
„ apostacy and remarriage of, *ib.*
„ may petition for a decree of nullity, sec. 18.
„ may petition for a judicial separation, sec. 22.

Husband of separated wife, non-liability of, sec. 25.
„ may petition for reversal of decree of separation, sec. 26.
„ seizing wife's property after notice of protection-order, sec. 30.
„ may petition for restitution of conjugal rights, sec. 32.
„ may claim damages against adulterer, sec. 34.
„ settlement of wife's property for benefit of, sec. 39.
„ may offer himself as a witness, sec. 51.
„ may give evidence as to cruelty or desertion, sec. 52.
See *Agreement, Children, Costs, Income, Necessaries, Power.*
Idiocy, decree of nullity on ground of, sec. 19.
Idiots, suits on behalf of, sec. 48.
Impotence, a ground for a decree of nullity, sec. 19.
'Incestuous adultery' defined, sec. 3, cl. 7.
dissolution on ground of, sec. 10.
Income of husband to be considered in ordering alimony, sec. 36.
Indemnity of persons making payments to wife without notice of reversal of decree or protection-order, sec. 60.
Indian Succession Act (sec. 4), sec. 27.
Injuries, see *Wrongs.*
Inquiry, High Court may require further, sec. 16.
„ into existence of settlements, sec. 40.
Instrument securing permanent alimony, sec. 37.
„ validity of, notwithstanding coverture, sec. 39.
See *Settlement.*
Interim orders as to minor children, secs. 43, 44.
Intervention, see *Collusion, Costs.*
Intestacy of separated wife, sec. 24.
Judicial Commissioner in Sind to be a 'District Judge,' sec. 3, cl. 2.
Judicial separation, when decree for, may be made, sec. 21.
„ effect of decree for, sec. 22.
„ obtainable either by husband or wife, *ib.*
„ ground of, *ib.*
„ application for, sec. 23.
„ decree for, *ib.*
„ rights of wife as to after-acquired property in case of, sec. 24.
„ wife's rights and liabilities as to contracts and torts, sec. 25.
„ effect of decree for, as to persons dealing with wife, sec. 60.
Jurisdiction in matters matrimonial to be exercised according to Act, sec. 4.
Liability of husband or his creditor taking wife's property after notice of protection-order, sec. 30.
„ of minor's next friend, sec. 49.

Licenses

Licenses, see *Marriage Licenses.*
Locus delicti, sec. 2.
Lunacy, decree of nullity on ground of, sec. 19.
Lunatics, children of, sec. 21.
„ suits on behalf of, sec. 48.
Maintenance of wife, power to order monthly or weekly payments for, sec. 37.
„ of children, see *Minor Children.*
Marriage-licenses, grantable as before the Act, sec. 4.
Marriage with another woman, sec. 3, cl. 8.
„ dissolution on ground of apostate's, sec. 10.
„ dissolution on ground of, when coupled with adultery, *ib.*
Maulmain, Recorder at, sec. 3, cl. 2.
Minor, suits by, sec. 49.
'Minor children' defined, sec. 3, cl. 5.
„ order for application of settled property not to be made at expense of, sec. 40.
„ custody, maintenance and education of (in suits for separation), sec. 41.
„ after decree for separation, sec. 42.
„ in suits for dissolution or decree of nullity, sec. 43.
„ after decree of dissolution or confirmation, sec. 44.
Misconduct conducing to adultery, sec. 14.
Monthly payment, see *Maintenance.*
Natives States, 'High Court' for, sec. 3, cl. 1.
„ 'District Judge' in, *ib.*, cl. 2.
Native fathers, children of, sec. 3, cl. 5.
Necessaries supplied for use of separated wife, when husband liable for, sec. 25.
Neglect, see *Wilful Neglect.*
Next friend of minor, sec. 49.
„ „ undertaking by, schedule, No. 14.
Non-Regulation Provinces, 'High Court' for, sec. 3, cl. 1.
„ „ 'District Judge' in, *ib.*, cl. 2.
Notice of protection-order, sec. 30.
„ reversal, discharge or variation of decree or protection-orders, sec. 60.
Notification in Gazette of appointment of 'District Judge' in allied State, sec. 3, cl. 2.
Nullity of marriage, suits for declaration of, secs. 2, 18.
„ grounds for decree of, sec. 19.
„ confirmation of decree of nullity made by District Judge, sec. 20.
Oral examination of witnesses, sec. 51.
Orders of Supreme Court, sec. 5.
„ stay of execution of District Judge's, sec. 9.
„ as to time of making decrees for dissolution absolute, sec. 16.
„ as to shewing cause why decree should not be made absolute, *ib.*,

Orders as to time of confirming District Judge's decree for dissolution, sec. 17.
„ as to manner of applying for removal of suit on ground of collusion, *ib.*
„ protecting deserted wife's earnings and other property, sec. 28.
„ to be conclusive as to time of desertion, *ib.*
„ contents of, *ib.*
„ discharge, variation or reversal of, sec. 29.
„ liability of husband seizing her property, after notice of, sec. 30.
„ wife's position during continuance of, sec. 31.
„ as to application of settled property, sec. 40.
„ as to custody, maintenance and education of children, secs. 41, 42, 43.
„ as to placing children under protection of Court, secs. 42, 43.
„ as to service of petitions, sec. 50.
Panjáb, see *Chief Court.*
Pegu, Recorder at Rangoon's jurisdiction in, sec. 3, cl. 2.
Pending suits, how dealt with, sec. 6.
Permanent alimony, see *Alimony.*
Petition for dissolution, contents of, sec. 10.
„ co-respondent to, sec. 11.
„ dismissal of, sec. 13.
„ for judicial separation, secs. 21, 22, 23.
„ for order to protect deserted wife's property, sec. 27.
„ form of, schedule No. 11.
„ for damages against adulterer, sec. 34.
„ for custody, maintenance or education of children, secs. 42, 44.
„ forms of, sec. 46.
„ to state absence of collusion, sec. 47.
„ verification of statements in, *ib.*
„ service of, sec. 50.
„ by husband for dissolution with damages, form of, schedule No. 1.
„ by wife for decree of nullity, form of, *ib.*, No. 4.
„ for judicial separation on ground of adultery, form of, *ib.*, No. 5.
„ for judicial separation on ground of cruelty, *ib.*, No. 8.
„ by husband for reversal of decree of separation, *ib.*, No. 10.
„ by wife for protection-order, *ib.*, No. 11.
„ „ for alimony pending the suit, *ib.*, No. 12.
Post-nuptial settlement, see *Settlement.*
Power, separated wife and husband may exercise joint, sec. 25.
Principles, see *Divorce Court.*
Privy Council, appeal to Queen in, sec. 56.
„ re-marriage after dismissal of appeal to, sec. 57.
'Property,' what it includes in the case of a wife, sec. 3, cl. 10.

'Property,' rights of separated wife as to after-acquired, sec. 24.
„ of wife during continuance of protection order, sec. 30.
„ her position with regard to, sec. 31.
Prostitute, petition for dissolution when wife is living as a, sec. 11.
„ co-respondent not liable to pay costs when respondent lives as a, sec. 35.
Protection of Court, order for placing children under, sec. 44.
Protection-order, deserted wife may apply for, sec. 27.
„ effect of, as to persons dealing with wife, sec. 60.
Rangoon, Recorder at, sec. 3, cl. 2.
Rape, dissolution on ground of, secs. 2, 10.
Reasonable excuse for desertion, secs. 10, 14, 22, 26.
Recorders at Rangoon and Maulmain, their jurisdiction, sec. 3, cl. 2.
Re-examination of deponent, sec. 51.
Reference of questions to High Courts, sec. 9.
Regulation Provinces, 'High Court' in, sec. 3, cl. 1.
„ „ 'District Court' in, *ib.*, cl. 2.
Relief to respondent, sec. 15.
Remarriage of parties whose marriage is dissolved, sec. 57.
Removal of suits from District Court to High Court, sec. 8.
Residence in India of either petitioner or respondent, sec. 2,
„ of husband and wife together, sec. 3, cl. 3.
Respondent wife relieved on grounds of petitioner's adultery, cruelty or desertion, sec. 15.
„ husband relieved on ground of wife's adultery and cruelty, *ib.*
Restitution of conjugal rights, sec. 32.
„ „ answer to petition for, sec. 33.
„ „ lunatic's committee not to sue for, sec. 48.
Reversal of decree *nisi*, sec. 16.
„ decree of separation, sec. 26.
Revival of order to pay permanent alimony, sec. 37.
„ condoned adultery, schedule No 7.
Rules of English Divorce Court, sec. 7.
„ High Court's power to make, sec. 62.
„ to be consistent with this Act and Code of Civil Procedure, *ib.*
„ to be published in the Gazette, *ib.*
See *Orders.*
Separate property of wife, costs payable out of, sec. 16.
„ use, property acquired by wife after judicial separation, to be, on resumption of co-habitation, to her, sec. 24.
Separation, see *Agreement, Costs, Judicial Separation, Necessaries, Power, Wilful Separation.*
Service of petition for damages on alleged adulterer, sec. 34.
„ of petition for alimony *pendente lite*, sec. 36.

Service of petitions, sec. 50.
„ dispensation with, *ib.*
Settlement of wife's property for benefit of husband and children, sec. 39.
„ of damages, *ib.*
„ inquiry as to ante-nuptial or post-nuptial, sec. 40.
Short title, sec. 1.
Sind, 'District Judge' in, sec. 3, cl. 2.
Sodomy, dissolution on ground of, secs. 2, 10.
Stamp on petitions, sec. 47.
„ on undertaking by minor's next friend, sec. 49.
Statements, form of, sec. 46, and see schedule Nos. 2, 3, 6, 7, 9, 13.
„ in petitions to be verified, sec. 47.
Stay of proceedings in execution of decree, sec. 9.
Suits by and against separated wife, sec. 25.
„ by wife holding protection-order against husband, sec. 30.
„ by or against wife holding protection-order, sec. 31.
„ for criminal conversation abolished in certain cases, sec. 61.
See *Pending Suits.*
Supreme Courts, enforcement of decrees of, sec. 5.
Suspension of decree or confirmation till execution of instrument securing permanent alimony, sec. 37.
„ of order for making monthly or weekly payments for wife's maintenance, *ib.*
Tenasserim Provinces, Recorder of Maulmain's jurisdiction in, sec. 3, cl. 2.
Trustee, payment of alimony to wife's, sec. 38.
„ Court may appoint new, *ib.*
Undertaking by minor's next friend, sec. 49, and schedule No. 14
Unreasonable delay, sec. 14.
Variation of protection-order, sec. 29.
Verification of case by affidavit, sec. 51.
„ of petitions, form of, schedule No. 1.
Weekly payments, see *Maintenance.*
Wife may petition for a dissolution, secs. 2, 10.
„ may petition for a decree of nullity, sec. 18.
„ may petition for a decree of judicial separation, sec. 22.
„ may petition for a protection-order, sec. 27.
„ may petition for restitution of conjugal rights, sec. 32.
„ may petition for alimony *pendente lite,* sec. 36.
„ may offer herself as a witness, sec. 51.
„ may give evidence as to cruelty or desertion, sec. 52.
See *Agreement, Children, Contracts, Costs, Creditors, Indemnity, Intestacy, Necessaries, Power, Separate Property, Separate Use, Settlement, Suits, Will, Wrongs.*

Wilful

Wilful neglect by petitioner, sec. 14.
„ separation by petitioner, *ib.*
Will of separated wife, sec. 24.
Witnesses to be examined orally, sec. 51.
„ parties may offer themselves as, *ib.*
„ as to cruelty and desertion, husband and wife may be, sec. 52.
See *Affidavits.*
Wrongs, separated wife to be deemed unmarried as to, sec. 25.

Office Supdt. Govt. Printing.—No. 11612 L. C.—18-3-69.—2,900.

THE INDIAN ARTICLES OF WAR.

TABLE OF CONTENTS.

Preamble.

PART I.—PRELIMINARY.

(a).—Short title.
(b).—Commencement of Act.
(c).—Repeal of enactments.
(d).—Application of Articles.
(e).—Interpretation-clause.
(f).—Saving of certain Regulations.

PART II.—THE ARTICLES OF WAR.

TITLE I.—ENLISTMENT, DISMISSAL AND DISCHARGE.

CHAPTER I.—*Enlistment.*

Article 1.—Articles to be read to recruits.
Affirmation.
Article 2.—Attestation.

CHAPTER II.—*Dismissal and Discharge.*

Article 3.—Dismissal of Commissioned Officers.
Article 4.—Dismissal of other persons.
Article 5.—Attested person dismissed re-enlisting.
Article 6.—Certificate to person dismissed.

TITLE II.—MILITARY OFFENCES.

CHAPTER I.—*Crimes punishable with Death or Transportation.*

Article 7.—Mutiny and sedition.
Article 8.—Violence to superior.
Article 9.—Disobedience.
Article 10.—Desertion.
Article 11.—Re-enlistment without having been discharged.
Article 12.—Sentry sleeping on or quitting post in time of war.
Article 13.—Sentry plundering.

Article 14.—Abandoning garrison.
Article 15.—Betraying watchword.
Article 16.—Corresponding with enemy.
Article 17.—Assisting enemy.
Article 18.—Releasing prisoners.
Article 19.—Misbehaviour in presence of enemy.
Article 20.—Seeking plunder during action.
Article 21.—Quitting guard in time of war.
Article 22.—Assaulting persons bringing provisions.
Article 23.—Causing alarm in time of war.
Article 24.—Punishment for the foregoing offences.

CHAPTER II.—*Crimes punishable otherwise than by Death or Transportation.*

Article 25.—Unbecoming behaviour.
Article 26.—Intoxication on duty.
Article 27.—Striking sentry.
Article 28.—Harbouring deserter.
Article 29.—Enlisting deserter.
Article 30.—Absence without leave.
Article 31.—Failure to rejoin.
Article 32.—Failure to attend parade.
Article 33.—Quitting parade or division.
Article 34.—Quitting guard in time of peace.
Article 35.—Refusing to receive or releasing prisoners.
Article 36.—Leaving arrest.
Article 37.—Insubordination.
Article 38.—Refusal to superintend military works.
Article 39.—Impeding Provost Marshal.
Article 40.—Striking subordinates.
Article 41.—Extortion.
Article 42.—House-breaking or plundering in time of peace.
Article 43.—Neglecting to compensate person injured by subordinate.
Article 44.—Defiling places of worship.
Article 45.—Taking bribes.
Article 46.—Causing false alarm in time of peace.
Article 47.—Making away with regimental necessaries.
Article 48.—Attempting suicide.
Article 49.—Appearing armed in camp.
Article 50.—Sentry sleeping on post in time of peace.
Article 51.—Absence from camp.
Article 52.—Absence from cantonment after tattoo.
Article 53.—Punishment for offences mentioned in Articles 25 to 52.

CHAPTER III.—*Crimes to be punished with Dismissal from the Service.*

Article 54.—Embezzlement.
Article 55.—Destruction of Government property.
Article 56.—Giving false evidence.
Article 57.—Punishment for offences mentioned in Articles 54, 55, 56.

CHAPTER IV.—*Disgraceful Conduct.*

Article 58.—Malingering.
Article 59.—Wilfully causing hurt.
Article 60.—Theft.
Article 61.—Embezzlement of Government property not entrusted on public account.
Article 62.—Obtaining pension by false statement.
Article 63.—Furnishing false returns.
Article 64.—Other fraudulent offences.
Article 65.—Cruelty or indecency.
Article 66.—Penalties for offences specified in Articles 58 to 65.

CHAPTER V.—*Offences against Courts Martial.*

Article 67.—Refusal to attend or be sworn.
Article 68.—Contempts.
Article 69.—Punishment for offences specified in Articles 67 and 68.

CHAPTER VI.—*Unspecified Offences.*

Article 70.—Unspecified offences.
Article 71.—Abetment.

TITLE III.—JURISDICTION.

CHAPTER I.—*Courts Martial.*

Article 72.—Kinds of Courts Martial.

(1).—*General Court Martial.*

Article 73.—Appointment of General Court Martial.
Article 74.—Composition of such Court.
Article 75.—Composition of such Court appointed under orders in Council
Article 76.—Powers of such Court.

(2).—*Detachment General Court Martial.*

Article 77.—Appointment of such Court Martial.
Article 78.—Its composition and powers.

(3).—*District Court Martial and*

(4).—*Garrison Court Martial.*

Article 79.—Appointment of such Courts.
Article 80.—Composition of such Courts.
Article 81.—Officers composing such Courts.
Article 82.—Powers of such Courts.

(5).—*Regimental Court Martial.*

Article 83.—Appointment of such Court.
Article 84.—Composition of such Court.
Article 85.—Powers of such Court.

(6).—*Regimental Detachment Court Martial and*

(7).—*Detachment Court Martial.*

Article 86.—Appointment of Regimental Detachment Court Martial.
Article 87.—Appointment of Detachment Court Martial.
Article 88.—Composition of such Courts.
Article 89.—Powers of such Courts.

(8).—*Summary Courts Martial.*

Article 90.—Summary Courts Martial.
Article 91.—Constitution of such Courts.
Article 92.—Persons triable by such Court.
Article 93.—Offences triable by such Court.
Article 94.—Its powers.
Article 95.—Trial of grave offences by inferior Courts.
Article 96.—Courts composed of European Officers.
Article 97.—Claim to be tried by European Officers.

CHAPTER II.—*Procedure.*

Article 98.—Limitation of trials.
Article 99.—Place of trial.
Article 100.—Arrest or confinement of accused.
Article 101.—Judge Advocate.
Article 102.—Interpreter.
Article 103.—President.
Article 104.—Conduct of proceedings.
Article 105.—Precedence of Native Officers.
Article 106.—Time of trial, adjournment and re-assembly.
Article 107.—Challenges.

Article 108.—Interpreter's oath.
Article 109.—Oaths of president and members.
Article 110.—Judge Advocate's oath.
Article 111.—Oaths of witnesses.
Article 112.—Oaths to be binding on conscience.
Article 113.—Re-swearing in case of several trials.
Article 114.—Presumptive evidence of desertion.
Article 115.—Reference by prisoner to Government Officer.
Article 116.—Trial for desertion.
Article 117.—Evidence of previous convictions and general character.
Article 118.—Voting of members.
Article 119.—Majority requisite to sentence of death.
Article 120.—Revision of finding or sentence.
Article 121.—Procedure to be generally followed.
Article 122.—Summoning witnesses.
Article 123.—Contempts of Court.
Article 124.—Privilege of witnesses.

Summary Courts Martial.

Article 125.—Persons to attend Summary Court Martial.
Article 126.—Proceedings of such Courts.
Article 127.—Oaths of interpreter and officer holding trial.
Article 128.—Evidence.
Article 129.—Signature and transmission of proceedings.

CHAPTER III.—*Sentences.*

Article 130.—Of General Courts Martial.
Article 131.—Of General, District or Garrison Courts Martial.
Article 132.—Reduction, dismissal, corporal punishment and imprisonment.
Article 133.—Limit of imprisonment.
Article 134.—Solitary confinement.
Article 135.—Reduction to ranks.
Article 136.—Forfeiture of pay and pension.
Article 137.—Forfeiture of arrears of pay.
Article 138.—Stoppages.
Article 139.—Extent of stoppages.
Article 140.—Sentence of transportation or imprisonment on person already sentenced.
Article 141.—Form of sentence of death.

CHAPTER IV.—*Confirmation and Commutation of sentences.*

Article 142.—Sentences to be confirmed or otherwise disposed of.
Article 143.—Sentence of death.
Article 144.—Sentence of penal servitude or transportation.
Article 145.—Sentence of dismissal on Commissioned Officers, &c.
Article 146.—Any sentence on Commissioned Officers, &c.
Article 147.—Sentence of corporal punishment.
Article 148.—Sentence of imprisonment with hard labour.
Article 149.—Sentence of reduction with corporal punishment or imprisonment. Commutation of sentence of dismissal on Non-Commissioned Officers.

CHAPTER V.—*Execution of Sentences.*

Article 150.—Transportation.
Article 151.—Imprisonment with hard labour.
Article 152.—Place of imprisonment.
Article 153.—Transfer to military custody.
Article 154.—Forfeiture of pay during imprisonment.
Article 155.—Striking convict off strength of regiment.
Article 156.—Non-re-admission of convict.
Article 157.—Dismissal with ignominy.
Article 158.—Publication of sentence for disgraceful conduct.
Article 159.—Sentences of Summary Courts Martial.

CHAPTER VI.—*Pardons and Remissions.*

Article 160.—Pardon of person convicted of military offence.
Article 161.—Release of prisoners.

CHAPTER VII.—*Regimental Courts of Enquiry.*

Article 162.—Regimental Courts of Enquiry.
Article 163.—Persons absent as prisoners of war.

TITLE IV.—POWERS OF OFFICERS INDEPENDENTLY OF TRIAL.

Article 164.—Reduction to ranks.
Article 165.—Minor punishments.
Article 166.—Offences of Native followers.
Article 167.—Complaints against Officers.
Article 168.—Provost Marshals.
Article 169.—Their duties and powers.

TITLE V.—NON-MILITARY OFFENCES.

Article 170.—Offences committed within jurisdiction of Criminal Court in British India.
Article 171.—Offences committed out of British India.

Article 172.—General Court Martial for trial of such offences.
Article 173.—Sentences of such Court.
Article 174.—Confirmation of sentences.
Article 175.—Commutation of sentences and provision as to prisoners.

TITLE VI.—EFFECTS OF DECEASED MEN AND DESERTERS.

Article 176.—Effects of deceased men and of deserters.
Article 177.—Sale of effects and discharge of debts.
Article 178.—Remittal of surplus to General Treasury.
Article 179.—Sale of effects of deserters.
Remittal of proceeds.

PART III.—MISCELLANEOUS.

(*a*).—Prohibition of second trial.
(*b*).—Prohibition of arrest for debt.
(*c*).—Breach of cantonment rules.
(*d*).—Capture of deserters.
(*e*).—Apprehension of military offenders.
(*f*).—Presumption as to signatures.
(*g*).—Native troops serving out of their own presidency.
(*h*).—Power to make orders and issue warrants.
(*i*).—Limitation of certain powers.
(*j*).—Power to make rules.
(*k*).—Articles to be read periodically.

ACT No. V of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th February 1869).

An Act to consolidate and amend the Articles of War for the government of Her Majesty's Native Indian Forces.

Preamble.

WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers, Soldiers and other persons in Her Majesty's Indian Army; It is hereby enacted as follows:—

PART I.—PRELIMINARY.

(*a*).—*Short Title.*

This Act may be called "The Indian Articles of War."

(*b*).—*Commencement of Act.*

This Act shall come into operation on the first day of June 1869.

(*c*).—*Repeal of Enactments.*

From such day the first section of Act No. XXV of 1857 (*to render Officers and Soldiers in the Native Army liable to forfeiture of property for Mutiny, and to provide for the adjudication and recovery of forfeitures of property in certain cases*), Act No. XXIX of 1861 (*to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army*), Act No. V of 1863 (*to amend Act XXIX of* 1861), and Act No. XXVI of 1865 (*to amend Act XXIX of* 1861) shall be repealed:

Provided that all crimes and offences committed against any Articles of War repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act, and that any warrant for holding Courts Martial, issued under any Act hereby repealed, shall remain in full force, notwithstanding such repeal:

Provided

Provided also, that no proceedings in any trial begun under any Articles so repealed, shall be discontinued owing to such repeal, but every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

References to any Act hereby repealed, or any Act passed subsequently thereto, shall be read as if made to this Act.

(d).—Application of Articles.

The Articles contained in Part II of this Act shall apply to all

Commissioned Officers,
Sub-Assistant Surgeons,
Hospital Assistants,
Native Doctors,
Warrant Officers,
Non-Commissioned Officers,
Hospital Attendants of any class,
Trumpeters, Buglers, Drummers,
Musicians,
Soldiers,
Unattested Recruits,
Lascars, Mahouts, Drivers,
Farriers, Syces, Grass-cutters,
Artificers, Labourers,
Sutlers, Followers, whether public or private, and all other persons attached to or serving with any portion of the said Army:

Proviso.

Provided that nothing in the said Part (other than Article 123) shall render any British-born subject of Her Majesty, or any legitimate Christian lineal descendant of such subject, whether in the paternal or maternal line, triable or punishable under the said Part, but all such persons belonging to Her Majesty's Indian Army shall be triable and punishable as if they belonged to Her Majesty's British Forces.

And that nothing in the said Part shall render any American or any Christian European not being British-born, or any Christian legitimate lineal descendant of such American or European, whether in the paternal or maternal line, triable

triable by a Court Martial composed of Native Commissioned Officers; but all such persons belonging to Her Majesty's Indian Army shall be triable by Courts Martial composed of European Officers only. Save as aforesaid, such persons shall be subject to this Act as if they were Natives of British India.

(*e*).—*Interpretation-clause.*

In this Act, unless there be something repugnant in the subject or context—

"Army" means Her Majesty's Indian Army, and "service" means service in such Army:

"Commissioned Officer" includes all Officers holding Commissions in the Native ranks of the Army, whether they be of purely Native or of a mixed European and Native extraction:

"European Officers" includes all European Officers holding Commissions in such Army or in Her Majesty's British Army:

"Commanding Officer" or "Officer Commanding" means the European Officer in actual command for the time being of any Force, Division, District, Regiment, Corps, Detachment, or Depôt, as the case may be:

"Judge Advocate" includes any European Officer duly authorized to officiate as Judge Advocate:

"Court Martial" means a Court Martial held under this Act, and in Articles 67, 68, 69 and 123 shall include a Court Martial held under the Act for punishing mutiny and desertion, and for the better payment of the Army and their quarters for the time being in force:

"Soldier" and "Soldiers" include Non-Commissioned Officers and all armed persons doing duty in the ranks of the Army:

"Attested" means attested under the Articles contained in Part II of this Act:

"Deserter" means a person subject to such Articles, who has deserted from the Army:

"Government" means, in the case of the Madras Army, the Governor of Fort Saint George in Council, in the case of the Bombay Army, the Governor of

of Bombay in Council, and in the case of any other part of Her Majesty's Indian Army, the Governor General of India in Council;

And the expressions "assault," "criminal force," "dishonestly," "extortion," "fraudulently," "grievous hurt," "hurt," "theft," "voluntarily causes hurt," "voluntarily causes grievous hurt," "reason to believe," "wrongful gain" and "wrongful loss" shall be severally taken to have the meanings assigned to them respectively in the Indian Penal Code, and quoted in Part I of the appendix to this Act.

(*f*).—*Saving of certain Regulations.*

Nothing in this Act affects any regulations by which the respective offices and powers of Cantonment Magistrates, ~~Commissariat Officers, Officers in charge of the Police in Cantonments, and Superintendents of Military Bázárs are defined and controlled, or by which Panchávats are constituted and guided~~

PART II.—THE ARTICLES OF WAR.

TITLE I.—ENLISTMENT, DISMISSAL AND DISCHARGE.

CHAPTER I.—*Enlistment.*

Articles to be read to Recruits.

Article 1.—Every person prior to being enrolled in any Regiment or Corps shall have the 7th, 8th, 9th, 10th, 11th, 24th, 38th and 53rd of these Articles read and explained to him.

Affirmation.

When reported fit for duty, such declaration or charge as may be usual shall be made to him, by the Officer Commanding, in front of the Regiment or Corps, or of such portion thereof as shall be present; and the person shall then make the following affirmation:—

"I , inhabitant of , son of , solemnly "affirm in the presence of Almighty God that I will be faithful to Her "Majesty the Queen, Her heirs and successors, and will go wherever I am "ordered, by land or sea, and will obey all commands of the Officers set over "me, even to the peril of my life.

Attestation

Attestation.

Article 2.—All persons of the following classes, hereafter enlisted or enrolled under these Articles, shall be attested according to the regulations of the government to which they are respectively subject:—Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, Warrant Officers of any Department, Trumpeters, Buglers, Drummers, Musicians, Soldiers, Lascars, Mahouts, Drivers, Farriers, Syces and Grass-cutters.

Articles 3, 4, 5, 7 to 71 (both inclusive), 90 to 94 (both inclusive), 130 to 139 (both inclusive), 154, 167 and 176 shall be read to every person enlisted or enrolled under these Articles at the time of his attestation.

CHAPTER II.—*Dismissal and Discharge.*

Dismissal of Commissioned Officers.

Article 3.—A Commissioned Officer shall be liable to dismissal from the service by the sentence of a General Court Martial, or by order of the Governor General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs, or, if the Officer belongs to either of the Presidencies of Fort St. George or Bombay, of the Governor in Council of such Presidency.

Every Commissioned Officer dismissed under these Articles shall forfeit all claim to pension.

Dismissal of other Persons.

Article 4.—Any person subject to these Articles, other than a Commissioned Officer, shall be liable to dismissal from the service

by the sentence of any Court Martial empowered to try him,

or by order of the Governor General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs,

or, if he belongs to either of the Presidencies of Fort St. George and Bombay, by order of the Governor in Council,

or, if he belongs to a Force not attached to any such Presidency, by order of the Officer Commanding such Force.

Every such person so dismissed shall forfeit all claim to pension.

Attested

Attested person dismissed and re-enlisting.

Article 5.—Every attested person of or below the rank of Non-Commissioned Officer who has been dismissed or discharged from the service, and who subsequently re-enters the service without at the time stating the fact of his dismissal or discharge, or showing his certificate of dismissal or discharge, may be dismissed the service by the Officer Commanding the regiment or corps with which he is serving.

Certificate to person dismissed.

Article 6.—Every attested person who is dismissed or discharged from the service, shall be furnished by his Commanding Officer with a certificate, in the English language and in the mother-tongue of such person (when his mother-tongue is not English), setting forth

(*a*) the authority dismissing or discharging him,

(*b*) the cause of his dismissal or discharge, and

(*c*) the full period of his service in the Army.

TITLE II.—MILITARY OFFENCES.

CHAPTER I.—*Crimes punishable with Death or Transportation.*

Mutiny and Sedition.

Article 7.—Any person subject to these Articles—

Who begins, excites, causes or joins in any mutiny or sedition in any regiment, corps, detachment, or guard;

or who, being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same,

or who, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State,

does not, without delay, give information thereof to his Commanding or other superior Officer;—or

Violence to superior.

Article 8.—Who uses or attempts to use criminal force to, or commits an assault on, his superior Officer, whether on or off duty, ~~under any circumstances in which the superior Officer is distinguishable as such in any manner~~;—or

Disobedience.

Disobedience.

Article 9.—Who disobeys the lawful command of his superior Officer;—or

Desertion.

Article 10.—Who deserts the service;—or

Re-enlistment without having been discharged.

Article 11.—Who, without having first obtained a regular discharge from the regiment or corps to which he belongs, enlists, or enrols himself in any other regiment or corps;—or

Sentry sleeping on or quitting post in time of war.

Article 12.—Who, being a sentry in time of war or alarm, or over any State-prisoner, treasure, magazine, or dockyard, sleeps upon his post, or quits it without being regularly relieved, or without leave;—or

Sentry plundering.

Article 13.—Who, being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under his charge, or under charge of his guard;—or

Abandoning garrison.

Article 14.—Who shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend;—or

Betraying watch-word.

Article 15.—Who treacherously makes known the watch-word to any person not entitled to receive it according to the rules and discipline of war;—or

Corresponding with enemy.

Article 16.—Who directly or indirectly holds correspondence with, or communicates intelligence to the enemy, or any person in arms against the State, or who, coming to the knowledge of any such correspondence or communication, omits to discover it immediately to his commanding or other superior Officer;—or

Assisting enemy.

Article 17.—Who directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects any enemy, or person in arms against the State;—or

Releasing

Releasing prisoners.

Article 18.—Who, without proper authority, releases any State-prisoner, enemy, or person taken in arms against the State, placed under his charge, or who negligently suffers any such prisoner, enemy or person to escape;—or

Misbehaviour in presence of enemy.

Article 19.—Who, in presence of an enemy, or of any persons in arms against whom it is his duty to act, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any Officer or Soldier to abstain from acting against the enemy or to discourage such Officer or Soldier from acting against the enemy, or who otherwise misbehaves;—or

Seeking plunder during action.

Article 20.—Who, in time of action, without authority, leaves his Commanding Officer, or his post, or colours, or party to go in search of plunder;—or

Quitting guard in time of war.

Article 21.—Who, in time of war, quits his guard, picquet, party or patrol, without being regularly relieved or without leave;—or

Assaulting persons bringing provisions.

Article 22.—Who, in time of war, or during any military operation, uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any of Her Majesty's forces,

or forces a safeguard, or, without authority, breaks into any house or other place for plunder; or plunders, injures or destroys any field, garden or other property of any kind;—or

Causing false alarm in time of war.

Article 23.—Who in time of war, or during any military operation, intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports by words or by letters calculated to create alarm or despondency,

Punishment for the foregoing offences.

Article 24.—Shall, on conviction, suffer death, or transportation for life or for a term of not less than seven years,

or

or imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to fourteen years,

or such other punishment as a General Court Martial is, by these Articles, empowered to award.

Whenever any person is convicted under this section of an offence punishable with death, all his property, moveable and immoveable, shall be forfeited to Government.

CHAPTER II.—*Crimes punishable otherwise than by Death or Transportation.*

Unbecoming behaviour.

Article 25.—Any Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer,

who behaves in a manner unbecoming his position and character;—and

Intoxication on duty.

Article 26.—Any person subject to these Articles,

who is in a state of intoxication when on or for any duty, or on parade, or on the line of march;—or

Striking sentry.

Article 27.—Who strikes, or forces or attempts to force any sentry;—or

Harbouring deserter.

Article 28.—Who knowingly harbours any deserter; or who, knowing, or having reason to believe, that any other person has deserted, or that any deserter has been harboured by any other person, does not immediately give notice to his own or some other superior Officer, or use his utmost endeavours to cause such deserter to be apprehended;—or

Enlisting deserter.

Article 29.—Who knowing, or having reason to believe, that a person is a deserter enlists him;—or

Absence without leave.

Article 30.—Who absents himself without leave, or, without sufficient cause, overstays leave granted to him;—or

Failure

Failure to rejoin.

Article 31.—Who, being on leave of absence and having received information from proper authority that his regiment or corps has been ordered on service, fails, without sufficient cause, to rejoin without delay;—or

Failure to attend parade.

Article 32.—Who, without sufficient cause, fails to appear at the time fixed at the parade or place appointed for exercise or duty;—or

Quitting parade or division.

Article 33.—Who, when on parade, or on the line of march, without sufficient cause, or without leave from his superior Officer, quits the parade or line of march;—or

Quitting guard in time of peace.

Article 34.—Who, in time of peace, quits his guard, picquet, or patrol, without being regularly relieved, or without leave;—or

Refusing to receive or releasing prisoners.

Article 35.—Who, being in command of a guard, picquet, or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape;—or

Leaving arrest.

Article 36.—Who, being under arrest, or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority;—or

Insubordination.

Article 37.—Who is grossly insubordinate or insolent to his superior Officer in the execution of his office;—or

Refusal to superintend military work.

Article 38.—Who refuses to superintend or assist in the making of any field-work, or other military work of any description, ordered to be made either in quarters or in the field;—or

Impeding

Impeding Provost Marshal.

Article 39.—Who impedes a Provost Marshal or an Assistant Provost Marshal, or any person lawfully exercising authority, or refuses when called upon to assist such person when requiring aid in the execution of his duty;—or

Striking subordinates.

Article 40.—Who strikes or otherwise ill-treats any soldier or other person attested under these Articles being his subordinate in rank or position;—or

Extortion.

Article 41.—Who commits extortion; or, without proper authority, exacts from any person carriage, porterage, or provisions;—or

House-breaking or plundering in time of peace.

Article 42.—Who, in time of peace, commits house-breaking for the purpose of plundering; or plunders, destroys, or damages any field, garden, or other property;—or

Neglecting to compensate person injured by subordinate.

Article 43.—Who, being in command at any post, or on the march, and receiving a complaint that any one under his command has beaten, or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person, or to report the case to the proper authority;—or

Defiling places of worship.

Article 44.—Who, by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person;—or

Taking bribes.

Article 45.—Who, directly or indirectly, requires, accepts, or obtains, or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enlistment or enrolment of any person, or leave of absence, promotion, or any other advantage or indulgence for any person in the service;—or

Causing false alarm in time of peace.

Article 46.—Who, in time of peace, by any means whatever, intentionally occasions a false alarm in camp, garrison, or cantonment;—or

Making

Making away with regimental necessaries.

Article 47.—Who designedly or through neglect kills, injures or loses his horse, or who dishonestly or fraudulently removes, conceals or delivers to any person, or who designedly or through neglect injures or loses his arms, clothes, tools, musical or surgical instruments, equipments, ammunition, accoutrements, or regimental necessaries, or any such articles entrusted to him, or belonging to any other person,

or who sells, pawns, destroys or defaces any medal or decoration granted to him by order of Her Majesty, or of the East India Company, or of the Governor General of India in Council for service in the field, or for general good conduct;—or

Attempting suicide.

Article 48.—Who attempts to commit suicide, and does any act towards the commission of such offence;—and

Appearing armed in camp.

Article 49.—Any person subject to these Articles below the rank of Warrant Officer—

Who, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to, or returning from, any town or bázár, carrying a sword, bludgeon, or other offensive weapon;—or

Sentry sleeping on post in time of peace.

Article 50.—Who, being a sentry, in time of peace, sleeps upon his post, or leaves it before being regularly relieved, or without leave;—or

Absence from camp.

Article 51.—Who, without proper authority, is found two miles or upwards from camp;—or

Absence from cantonment after tattoo.

Article 52.—Who, without proper authority, is absent from his cantonment or lines after tattoo, or from camp after retreat-beating;

Punishment

Punishment for offences mentioned in Articles 25—52.

Article 53.—Shall, on conviction by any Court Martial competent to try him, be sentenced to such punishment, other than death or transportation, as such Court is, by these Articles, empowered to award.

CHAPTER III.—*Crimes to be punished with dismissal from the service.*

Embezzlement.

Article 54.—Any person subject to these Articles—

Who dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or military stores of any kind, the property of Government, entrusted to his charge on the public account, or for any military purpose,

or who dishonestly uses or disposes of such property in violation of any direction of a proper authority,

or who dishonestly receives or retains any such property, knowing or having reason to believe the same to have been dishonestly misappropriated or converted;—or

Destruction of Government property.

Article 55.—Who wilfully destroys or injures any property of Government entrusted to him on the public account, or for any military purpose;—or

Giving false evidence.

Article 56.—Who, having been duly sworn or affirmed before any Court Martial, or other Military Court competent to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false, or does not believe to be true;—

Punishment for offences mentioned in Articles 54, 55, 56.

Article 57.—Shall, if convicted by a General Court Martial, be sentenced to be dismissed the service and to forfeit any arrears of pay and allowances due to him at the time of dismissal; and shall be punishable also with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to three years: and shall, if convicted by a District or Garrison Court Martial, be liable to any or all of the penalties which such Court may inflict for disgraceful conduct.

CHAPTER IV.

CHAPTER IV.—*Disgraceful Conduct.*

Malingering.

Article 58.—Any person subject to these Articles—

Who malingers, or feigns, or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity;—or

Wilfully causing hurt.

Article 59.—Who, with intent to render himself or any other person unfit for service, voluntarily causes hurt or voluntarily causes grievous hurt to himself or any other person;—or

Theft.

Article 60.—Who commits theft in respect of any property of Government, or of any Officer or Soldier, or of any other person in the service, or of any military mess or band, or of any person serving with or attached to the Army, or who dishonestly receives or retains any such property, knowing or having reason to believe it to be stolen;—or

Embezzlement of Government property not entrusted on public account.

Article 61.—Who dishonestly misappropriates or converts to his own use any property of Government entrusted to him for any purpose not provided for in Articles 54 and 55,

or who dishonestly receives or retains any such property knowing or having reason to believe it to have been dishonestly misappropriated or converted;—or

Obtaining pension by false statement.

Article 62.—Who obtains or attempts to obtain for himself, or for any other person, any pension, allowance, or other advantage or privilege by a statement which is false, and which he knows or has reason to believe to be false, or does not know to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement;—or

Furnishing false returns.

Article 63.—Who knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging

belonging to such men, or to Government, or to any person in or attached to the Army, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;—or

Other fraudulent offences.

Article 64.—Who does any other thing with intent to defraud, or to cause wrongful gain to one person, or wrongful loss to another person;—or

Cruelty or Indecency.

Article 65.—Who commits any other offence of a cruel, indecent, or unnatural kind, or attempts to commit any such offence and does any act towards its commission—

Penalties for offences specified in Articles 58–65.

Article 66.—May be tried for disgraceful conduct, and shall, on conviction by a General, District or Garrison Court Martial, be liable to any or all of the penalties awardable by such Court for disgraceful conduct.

CHAPTER V.—*Offences against Courts Martial.*

Refusal to attend or be sworn.

Article 67.—Any person subject to these Articles who, when duly summoned to attend as a witness before a Court Martial, intentionally omits to attend, or refuses to be sworn or make affirmation, or to answer any question, or to produce or deliver up any book or document which he may have been duly warned and called upon to produce or deliver up, or prevaricates,;—or

Contempts.

Article 68.—Who intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of a Court Martial while sitting;—

Punishment for offences specified in Articles 67 *and* 68.

Article 69.—Shall, on conviction by the same or by any other Court Martial which is competent to try the offender, be liable to such punishments as the convicting Court is, by these Articles, empowered to award.

CHAPTER VI.—*Unspecified Offences.*

Article 70.—All offences not punishable with death, all neglects to obey any garrison or other orders, and all acts and omissions, of which any person subject to these Articles is accused, shall, though not specified in these Articles, if they be prejudicial to good order and military discipline, be taken cognizance of and punished according to the nature and degree of the offence, act or omission by any Court Martial empowered to try the person guilty of such offence, act or omission.

Abetment.

Article 71.—Every person subject to these Articles who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any of the offences specified in Articles 7, 8, 10, 13, 14, 18 and 19, may be punished with the punishment hereinbefore provided for such offence.

Every such person who abets, within the meaning of the Indian Penal Code, sections 107 and 108, any other offence punishable under this Act, shall be punished

with imprisonment of any description provided by this Act for the offence so abetted for a term which may extend to one-half of the longest term of such imprisonment,

or with one-half of any other penalty awardable by the Court by which he is convicted,

or, if the offence is punishable with death or transportation for life, with transportation for a term not less than seven years or with imprisonment (with or without hard labour, and with or without solitary confinement) for a term which may extend to ten years.

The said sections of the Indian Penal Code are set forth in Part II of the Appendix to this Act.

TITLE III.—JURISDICTION.

CHAPTER I.—*Courts Martial.*

Kinds of Courts Martial.

Article 72.—For the purposes of these Articles, there shall be eight kinds of Courts Martial, (that is to say),—

(1).—General Courts Martial.

(2).—Detachment General Courts Martial.

(3.) District

(3).—District Courts Martial.

(4).—Garrison Courts Martial.

(5).—Regimental Courts Martial.

(6).—Regimental Detachment Courts Martial.

(7).—Detachment Courts Martial, and

(8).—Summary Courts Martial.

(1).—*General Court Martial.*

Appointment of General Court Martial.

Article 73.—A General Court Martial may be appointed—

(*a*).—By the Commander-in-Chief of a Presidency:

(*b*).—By any Officer authorized to appoint General Courts Martial by warrant of the Commander-in-Chief of a Presidency:

(*c*).—By any Officer in actual command of Native troops who is authorized to appoint General Courts Martial by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(*d*).—By any Officer commanding Native troops not attached to the forces of a Presidency who is authorized to appoint General Courts Martial by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Court.

Article 74.—Except as hereinafter provided, every General Court Martial shall, if held in British India, consist of not less than nine Commissioned Officers, but may, if held out of British India, consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled.

Composition of such Court appointed under Orders in Council.

Article 75.—A General Court Martial appointed under the authority of an Order in Council shall consist of not less than five Commissioned Officers, and shall, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

Powers

Powers of such Court.

Article 76.—A General Court Martial shall have power to try all persons subject to these Articles accused of mutiny or of any other offence punishable under this Act, and to pass sentences of death,

Transportation for life or for any period not less than seven years,

Imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years,

Dismissal from the service,

Suspension from rank, pay and allowances for any stated period,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good conduct pay, and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

Whenever any person is convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, the Court may adjudge that all the rents and profits of his moveable and immoveable estate during the period of his transportation or imprisonment shall be forfeited to Government, subject to such provision for his family and dependents as the Government may think fit to allow during such period.

(2).—Detachment General Court Martial.

Appointment of such Court Martial.

Repealed

Article 77.—When any portion of Her Majesty's troops is serving in any place not in British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty, wherein Her Majesty's forces are permanently stationed, a Detachment General Court Martial may be appointed :—

(*a*).—By the Commander-in-Chief of a Presidency :

(*b*).—By any Officer authorized to appoint Detachment General Courts Martial by warrant of the Commander-in-Chief of a Presidency;

(*c*).—By

(*c*).—By the Officer in actual command of such troops, upon complaint being made of an offence against the person or property of any resident of such place, committed by any person under such Officer's command and subject to these Articles.

Its Composition and Powers.

Article 78.—Such Court Martial shall consist of not less than three Commissioned Officers, and shall have the same powers as a General Court Martial.

(3).—*District Court Martial, and*

(4).—*Garrison Court Martial.*

Appointment of such Courts.

Article 79.—A District or Garrison Court Martial may be appointed—

(*a*).—By the Commander-in-Chief of any Presidency:

(*b*).—By any Officer authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant of the Commander-in-Chief of any Presidency:

(*c*).—By any Officer in actual command of Native troops authorized to appoint District or Garrison Courts Martial (as the case may be) by order of the Governor General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council:

(*d*).—By any Officer commanding Native troops not attached to the forces of a Presidency authorized to appoint District or Garrison Courts Martial (as the case may be) by warrant which the Governor General of India in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Courts.

Article 80.—(*a*). Except as hereinafter provided, a District or Garrison Court Martial shall consist of seven Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than five such Officers.

(*b*). A District Court Martial appointed under the authority of an Order in Council, may consist of any number of Commissioned Officers not less than three; and may, if so provided in the Order, be composed either of European or of Native Commissioned Officers at the discretion of the Officer appointing it.

Officers

Officers composing such Courts.

Article 81.—A District or Garrison Court Martial may, when necessary, be composed wholly of Officers of the regiment or corps to which the accused belongs: Provided that on the trial of a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, not more than two Officers of the same regiment, corps, detachment, depôt or department as the accused shall sit upon any such Court.

Powers of such Courts.

Article 82.—A District or Garrison Court Martial shall have power to try all persons subject to these Articles, other than Commissioned Officers, for any offence other than mutiny made punishable by these Articles, and to pass sentences of—

Imprisonment (with or without hard labour, and with or without solitary confinement) for a term not exceeding one year,

Dismissal from the service,

Suspension from rank, pay and allowances,

Degradation,

Loss of standing,

Reduction to the ranks,

Corporal punishment not exceeding fifty lashes,

Forfeiture of additional pay, good-conduct pay and claim to pension,

Forfeiture of arrears of pay and allowances,

Stoppages.

(5).—*Regimental Court Martial.*

Appointment of such Court.

Article 83.—A Regimental Court Martial may be appointed by the Officer commanding any regiment or corps.

Composition of such Court.

Article 84.—A Regimental Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three such Officers.

Powers

Powers of such Court.

Article 85.—A Regimental Court Martial shall have power to try—

(*a*).—All persons subject to these Articles, other than Commissioned Officers, Sub-Assistant Surgeons, Hospital Assistants, Native Doctors and Warrant Officers, for any offence other than mutiny, desertion or disgraceful conduct, punishable under these Articles, when committed on the line of march, or on board any vessel :

(*b*).—Any offence punishable under this Act, and not within the ordinary jurisdiction of a Regimental Court Martial, other than mutiny, desertion and disgraceful conduct, when the Officer commanding the Division or District directs it to be tried by a Regimental Court Martial; and

(*c*).—Any offence punishable under these Articles, other than offences not within the ordinary jurisdiction of a Regimental Court Martial—

and to pass sentences of—

Dismissal,

Loss of standing,

Reduction to the ranks,

Imprisonment (with or without hard labour and with or without solitary confinement) for a term not exceeding six months,

Corporal punishment not exceeding fifty lashes,

Forfeiture of arrears of pay and allowances,

Stoppages.

(6).—*Regimental Detachment Court Martial, and*

(7).—*Detachment Court Martial.*

Appointment of Regimental Detachment Court Martial.

Article 86.—A Regimental Detachment Court Martial may be appointed by the Officer commanding a detachment of his own regiment or corps :

Appointment of Detachment Court Martial.

Article 87.—A Detachment Court Martial may be appointed,—

(*a*).—By the Officer commanding any Station, Force or Detachment of men of different regiments or corps;

(*b*).—By

(*b*).—By the Officer in command of any detachment when any offence not within the ordinary jurisdiction of a Regimental Court Martial (other than mutiny, desertion, or disgraceful conduct), is committed on the line of march, or on board any vessel.

Composition of such Courts.

Article 88.—A Regimental Detachment Court Martial and a Detachment Court Martial shall consist of not less than five Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than three Commissioned Officers.

Powers of such Courts.

Article 89.—A Regimental Detachment Court Martial and a Detachment Court Martial shall have the same powers as a Regimental Court Martial.

(8).—*Summary Courts Martial.*

Article 90.—(*a*). Subject to the provisions and restrictions contained in Articles 91, 92, 93, 94, 125 and 126, a Summary Court Martial may be held by the European Commissioned Officer who is in actual command, for the time being, of any regiment or corps,

or of any detachment consisting of, or equivalent in strength to, three troops or companies,

or of any European corps or detachment to which Native details subject to these Articles are attached,

or who is in charge of any arsenal, ordnance establishment, or camp equipage depôt.

(*b*).—In detached situations, beyond sea, or out of British India, or on service in the field, or under any circumstances where, immediate example being necessary, a Detachment Court Martial cannot be assembled as provided in Article 87, and reference cannot be made to superior authority without detriment to the service, a Summary Court Martial may be held by the European Commissioned Officer commanding a detachment of any strength:

Provided that if the Officer is of less than five years' standing, he shall not carry into effect any sentence by such Court Martial, until it has received the approval

approval of the nearest superior Military Officer holding a command of not less than a regiment.

Constitution of such Courts.

Article 91.—At every Summary Court Martial, the Commanding Officer holding it shall alone constitute the Court.

Persons triable by such Court.

Article 92.—No Commanding Officer shall have power to try by a Summary Court Martial any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, or any person who is not liable to trial by Courts composed of Native Commissioned Officers; but all other persons subject to these Articles shall be liable to trial and punishment by a Summary Court Martial:

Provided that no person shall be so tried unless he is under the command of the Officer holding the trial.

Offences triable by such Court.

Article 93.—Any offence against these Articles, except mutiny, may be tried and punished by Summary Court Martial:

Provided that, when there is no emergent reason for immediate action, and reference can, without detriment to discipline, be made to superior military authority, a Commanding Officer shall not try by Summary Court Martial, without such reference, any of the following offences:—

Offences under Articles 8 to 23 both inclusive, ordinarily punishable by General Court Martial only:

Disgraceful offences under Articles 54, 55, 56, 60, 61 and 64; and

Offences against such Commanding Officer.

Its powers.

Article 94.—A Summary Court Martial held by any Officer Commanding a regiment or corps may award any sentence not exceeding that awardable by a District Court Martial.

A Summary

A Summary Court-Martial held by any Commanding Officer other than the Officer Commanding a regiment or corps, may award any sentence not exceeding that awardable by a Regimental or Detachment Court Martial.

Trial of grave offences by inferior Courts.

Article 95.—Save, as provided by Article 85, clauses (*a*) and (*b*) and Article 89, no Commanding Officer shall try by a Regimental or Detachment Court Martial offences which are by these Articles declared to be punishable by a General, District or Garrison Court Martial only. But, as it may be expedient that some such offences should be tried by inferior Courts Martial, the Commanding Officer of any Regiment, Corps or Detachment shall, in every such instance, submit the case for the orders of the Officer Commanding the Division or District in which he is serving, and the Officer Commanding such Division or District, whether on or without such application, may direct trial by such kind of Court Martial as he thinks fit:

Provided that mutiny shall in no case be tried save by a General Court Martial, and that desertion and disgraceful conduct shall in no case be tried by any Court Martial inferior to a District or Garrison Court Martial.

The permission to try grave offences by District or Garrison, Regimental or Detachment Courts Martial, shall be entered upon the proceedings of such Court, and in the monthly return of trials furnished to Army Head Quarters.

Courts composed of European Officers.

Article 96.—The Governor General of India, or the Governor of any Presidency, may, by an order in Council, direct that any Court Martial appointed under these Articles, shall be composed of European instead of Native Commissioned Officers, or authorize any General or other Officer to appoint Courts Martial so composed at his discretion.

Any such Court Martial shall in such case be constituted accordingly, but shall in all other respects be governed by these Articles.

Claim to be tried by European Officers.

Article 97.—With the exception of cases of trial by Courts Martial appointed under Orders in Council, every person subject to these Articles, who is under orders for trial by Court Martial, may claim to be tried by European Officers.

When

When any such claim is made, the Court, whether a General, District, Garrison, Regimental or Detachment Court Martial, shall be composed of European instead of Native Commissioned Officers; but shall in all other respects be governed by these Articles.

Chapter II.—*Procedure.*

Limitation of trials.

Article 98.—No person subject to these Articles shall be tried or punished by a Court Martial for any military offence after the expiration of three years from the date of such offence, unless the offender, by reason of absence or of some other manifest impediment, could not be arrested or confined and brought to trial within that period; in which case he shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

Place of trial.

Article 99.—Any person subject to these Articles who commits any offence against them, may be tried and punished for such offence in any place whatever in the same manner as if the offence had been committed in such place.

Arrest or confinement of accused.

Article 100.—Whenever any person subject to these Articles is accused of any military offence which his Commanding or other superior Officer considers should be tried by Court Martial, such Officer shall order the accused, if not below the rank of Non-Commissioned Officer, to be placed in arrest, or if below such rank, to be put in confinement, until he can be tried by a Court Martial, or discharged by proper authority.

No such person shall be detained in arrest or confinement longer than is necessary for the purposes of justice.

Judge Advocate.

Article 101.—It shall not be necessary to appoint a Judge Advocate to any General Court Martial appointed under the authority of an Order in Council. But every other General Court Martial shall be attended by a Judge Advocate, who shall conduct the proceedings; and every District or Garrison, Regimental or Detachment Court Martial, composed of Native Commissioned Officers,

Officers, shall be attended by an European Superintending Officer of not less than four years' service, who shall conduct the proceedings.

Interpreter.

Article 102.—An Interpreter shall be appointed to every Court Martial, and shall, when the Court is composed of Native Officers, form part of such Court.

If no duly qualified Interpreter is available at the station or place where the Court Martial sits, the Officer appointing the Court, or the Officer Commanding in the Division, District, or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of Interpreter.

When no other qualified or competent person is available, the Superintending Officer, or in the case of an European Court, the President, shall perform the duty of Interpreter.

No Interpreter shall, as such, have a vote upon any matter.

President.

Article 103.—At every Court Martial, whether composed of European or Native Commissioned Officers, the senior Officer shall sit as President, without special appointment as such.

In case of the death or unavoidable absence of the President, the next senior member shall take the place of President, without special appointment as such, and the trial shall proceed if the Court be still composed of the smallest number of members of which it is required by these Articles to consist.

Conduct of Proceedings.

Article 104.—In the case of any General Court Martial appointed under an Order in Council, or of any other Court Martial composed of European Commissioned Officers under Article 96 or 97, the President shall conduct the proceedings.

Precedence of Native Officers.

Article 105.—Risáldár Majors and Súbahdár Majors shall take precedence according to the dates of their commissions, and above all Súbahdárs or Risáldárs.

Sirdár

Sirdár Bahádurs and Bahádurs shall take rank only according to their respective commissions of Risáldár Major, Súbahdár Major, Risáldár, Risáidár Súbahdár, or Jemadár.

Risáldárs shall take rank with Súbahdárs, according to the dates of their commissions as Risáidárs, or if they have not been Risáidárs then according to the dates of their commissions as Risáldárs.

Time of Trial, Adjournment and Re-assembly.

Article 106.—Trials by Courts Martial may be carried on at any time without restriction.

The date and hour of the Court's original assembly shall be fixed by, or under the orders of the convening Officer; but the adjournment and re-assembly of a Court Martial shall be determined by the Court itself.

Challenges.

Article 107.—At all trials by Courts Martial, other than Courts Martial appointed under an order in Council or Summary Courts Martial, as soon as the Court is assembled, the names of the President and Members shall be read over to the prisoner, who shall thereupon be asked by the Officer conducting the proceedings, whether he objects to being tried by any Officer sitting on the Court.

If the prisoner objects to any such Officer, his objection, and also the reply thereto of the Officer objected to, shall be heard and recorded, and the remaining Officers of the Court shall, in the absence of the challenged Officer, decide on the objection.

When no challenge is made, or when challenge has been made and disallowed, or the place of every Officer successfully challenged has been filled by another Officer to whom no objection is made or admitted, the Court shall proceed as hereinafter provided.

Interpreter's oath.

Article 108.—The Officer conducting the proceedings shall then administer to the Interpreter, or, when necessary, shall himself make as Interpreter, an affirmation or oath as follows :—

"I

"I solemnly affirm, in the presence of Almighty God, that I "will faithfully interpret and translate the proceedings of this Court; and that "I will not divulge the sentence until it shall have been published by authority; "and, further, that I will not disclose or discover the vote or opinion of any "particular member of the Court unless required to give evidence thereof by a "Court of Justice or Court Martial, in due course of law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will faithfully interpret," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

Oaths of President and Members.

Article 109.—The Interpreter, or the Officer conducting the proceedings, shall then administer to the President and each of the Members of the Court Martial an affirmation or oath in such of the following forms as shall be appropriate:—

For European Officers.

"I solemnly affirm, in the presence of Almighty God, that I "will duly administer justice, according to the Indian Articles of War, without "partiality, favour or affection; and if any doubt shall arise, then, according to "my conscience, the best of my understanding, and the custom of war in the "like cases; and that I will not divulge the sentence of the Court until it shall "be published by authority; and, further, that I will not disclose or discover the "vote or opinion of any particular member of the Court, unless required to give "evidence thereof by a Court of Justice or a Court Martial, in due course of "law."

When oath is made instead of affirmation, the oath shall commence—

"I do swear that I will duly administer justice," &c., and shall be in all other respects in the above form, and shall end with the words, "So help me God."

For Native Officers of the Mussulman or Hindú religion, or of any other religion for which it may be appropriate.

"I solemnly affirm, in the presence of Almighty God, "that I will duly administer justice according to the Indian Articles of War, "without

" without partiality, favour or affection ; and if any doubt shall arise, then, " according to my conscience, the best of my understanding, and the custom of " war in the like cases ; and that I will not divulge the sentence of the Court " until it shall be published by authority ; and, further, that I will not disclose " or discover the vote or opinion of any particular member of the Court, unless " required to give evidence thereof by a Court of Justice or a Court Martial, in " due course of law."

Judge Advocate's oath.

Article 110.—The Interpreter, or any other European Officer of the Court, shall then administer to the Judge Advocate, or Superintending Officer, the following affirmation or the following oath :—

" I solemnly affirm, in the presence of Almighty God, " that I will not, upon any account whatsoever, disclose or discover the vote or " opinion of any particular member of the Court Martial, unless required to give " evidence thereof as a witness by a Court of Justice or a Court Martial, in due " course of law ; and that I will not, unless it be necessary for the due dis- " charge of my official duties, disclose the sentence of the Court until it shall " be published by authority."

When oath is made instead of affirmation, the oath shall commence—

" I do swear that I will not, upon any account whatsoever, disclose," &c., and shall be in all other respects in the above form, and shall end with the words, " So help me God."

Oaths of Witnesses.

Article 111.—Every person giving evidence at a Court Martial shall be examined on oath, or on affirmation, where affirmation is appropriate and admissible, and shall be duly sworn or affirmed in such of the following forms as may be appropriate :—

For Europeans and persons professing the Christian religion.

" I do swear that what I shall state shall be the truth, " the whole truth, and nothing but the truth. So help me God"—

or,

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

For

For Mussulman, Hindú, or other Native Witnesses.

"I solemnly affirm, in the presence of "Almighty God, that what I shall state shall be the truth, the whole truth, and "nothing but the truth."

Oaths to be binding on conscience.

Article 112.—If none of the forms of oath or affirmation prescribed in Articles 108 to 111, both inclusive, are appropriate to any officer of a Court Martial or any witness, such officer or witness shall make oath or affirmation to the purport hereinbefore prescribed, in such form as the Court ascertains to be according to his religion or otherwise binding on his conscience.

Re-swearing in case of several trials.

Article 113.—When more trials than one are held by the same Court Martial, every officer of the Court and every witness before the Court, shall make a fresh oath or affirmation, as hereinbefore prescribed, notwithstanding any previous oath or affirmation.

Presumptive evidence of desertion.

Article 114.—If at any trial for desertion, it is proved that the person tried has been absent without authority for the space of two months, such proof shall be deemed sufficient presumptive evidence of desertion; and the Court may thereupon convict him of desertion, unless he proves that his absence was not wilful, or otherwise rebuts the presumption of desertion arising from the proof of his unauthorized absence.

Reference by prisoner to Government Officer.

Article 115.—If at any trial for desertion, absence without leave, overstaying leave, or not rejoining when warned for service, the person tried states, in his defence, any sufficient or reasonable excuse for his unauthorized absence, and refers in support thereof to any officer in the Civil or Military service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the Court shall address such officer, and adjourn until his reply is received.

The written reply of any officer so referred to shall, if signed by him, be received in evidence, and have the same effect as if made on oath or affirmation before the Court.

If

If the Court is dissolved before the receipt of such reply, or if the Court omits to comply with the provisions of this Article, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another Court Martial.

Trial for desertion.

Article 116.—On any trial for desertion the accused may be found guilty either of desertion or of absence without leave.

Evidence of previous convictions and general character.

Article 117.—When any person subject to these Articles has been convicted by a Court Martial of any military offence, such Court Martial shall enquire into, and receive and record evidence of any previous convictions of such person, either by a Court Martial, or by a Court of Justice; and shall further, in the case of any person below the rank of a Warrant-officer, enquire into and record the general character of such person.

Evidence received under this Article may be either oral, or in the shape of entries in, or certified extracts from, the Court Martial Books; and it shall not be necessary to prove the signature to such certified extract, nor shall it be necessary to give notice before trial to the person tried that evidence as to his previous convictions or character will be received.

Voting of Members.

Article 118.—The members of a Court Martial shall preserve order; and in giving their votes upon any matter, shall begin with the junior in rank.

Except where otherwise specially provided, every decision shall be passed by a majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the person tried.

In matters other than the finding or sentence, the President shall have a casting vote.

Majority requisite to sentence of death.

Article 119.—No sentence of death shall be passed by any General Court Martial, other than a General Court Martial held under an Order in Council, unless

less such sentence is concurred in by at least two-thirds of the Officers composing the Court, or by five out of seven, or four out of five Officers, when the Court consists of either of those numbers.

A General Court Martial held under an Order in Council may, by the votes of a majority of such Court, pass a sentence of death.

Revision of finding or sentence.

Article 120.—The finding or sentence of any Court Martial may be revised by order of the Officer authorized to dispose of the proceedings.

But no finding or sentence of a Court Martial shall be revised more than once; nor shall any evidence, save evidence as to previous convictions or general character, be received on a revision.

The Court, on revision, shall consist of the same, and the same number of Officers as were present when the original decision was passed, unless any such Officer or Officers shall be unavoidably absent.

In case of such unavoidable absence, the cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision, provided it still consists of the smallest number of Officers of which such Court is by these Articles required to consist.

Procedure to be generally followed.

Article 121.—The procedure laid down in the Articles 106 to 119 (both inclusive) shall be adopted at all trials by Courts Martial save when otherwise specially ordered or provided.

Summoning witnesses.

Article 122.—The Judge Advocate, in the case of a General Court Martial, and the Officer ordering the trial in the case of any other Court Martial may, by summons under his hand, require the attendance before the Court, at a time and place to be mentioned in the summons, of any person, either to give evidence or to produce documents.

In the case of a witness amenable to military authority, the summons shall be sent to the Officer in actual command of the corps to which he belongs, and such Officer shall serve it upon him accordingly.

In

In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the Court of such Magistrate.

When a witness is required to produce any particular document in his possession or power, the summons shall describe it with convenient certainty.

Contempts of Court.

Article 123.—Any witness duly summoned, or any other person who commits any contempt of Court in the presence of a Court Martial, or who commits any of the offences described in Articles 56, 67, or 68, shall, if subject to these Articles, be proceeded against as they direct; and shall, if not so subject, be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before or towards a Court of Criminal Justice.

Privilege of witnesses.

Article 124.—Every witness, while proceeding to, attending on, or returning from, any Court Martial before which he has been summoned, shall be privileged from arrest in any civil suit or proceeding; and if arrested in any such suit or proceeding, may be discharged by order of such Court Martial.

SUMMARY COURTS MARTIAL.

Persons to attend Summary Court Martial.

Article 125.—Every Summary Court Martial shall be attended by two Commissioned Officers, European or Native, exclusive of the Commanding Officer holding the trial.

An Interpreter shall, in every case, attend at a Summary Court Martial; but when no other competent Interpreter is available, the Officer holding the trial, or one of the Officers in attendance thereat, may perform the duty of Interpreter.

No Interpreter shall, as such, have a vote upon any matter.

Proceedings

Proceedings of such Courts.

Article 126.—The proceedings of every Summary Court Martial shall be conducted in presence of all the Officers specified in Article 125, and shall be recorded in the English language in the manner usual at other Courts Martial.

Oaths of Interpreter and Officer holding trial.

Article 127.—The Interpreter at a Summary Court Martial shall first make oath or affirmation, as provided by Article 108, down to the words "published by authority;" and the Commanding Officer holding the trial shall then make oath or affirmation, as provided in Article 109, down to the words "custom of war in the like cases."

The Officers in attendance shall not as such be sworn or affirmed.

Evidence.

Article 128.—All evidence at a Summary Court Martial shall be taken on oath or affirmation, as provided by Article 111.

Any previous convictions on record against the offender, and his general character, shall be recorded by the Commanding Officer as of his own knowledge, or proved as provided by Article 117.

Signature and transmission of proceedings.

Article 129.—The proceedings in every case in which a Regimental Court Martial or a Detachment Court Martial tries an offence not within the ordinary jurisdiction of a Regimental Court Martial, committed on the line of march or on board a vessel, shall be sent for the information of the Commander-in-Chief of the Presidency to which the Regiment or Detachment belongs, and of the Presidency within which they may be, or to which they are proceeding.

The proceedings of every Summary Court Martial shall, when closed, be signed by the Commanding Officer and the Officers attending the trial, and shall, without delay, be forwarded to the Officer Commanding the Division or District within which the trial was held; and such Officer, or the Commander-in-Chief in India, or of the Presidency in which the trial was eld, is hereby authorized to set aside the trial for reasons based on the merits o he case, but not on any merely technical grounds.

Wh

When a Summary Court Martial is held in a force not attached to any Presidency, the Officer Commanding such force may exercise the powers given in this Article in regard to setting aside trials.

The proceedings of every other Court Martial shall, when closed, be signed by the members, and shall, without delay, be forwarded or delivered to the Officer under whose orders the trial has been held.

CHAPTER III.—*Sentences.*

Of General Courts Martial.

Article 130.—(*a*). Any General Court Martial may, for any offence falling under Articles 7 to 23, both inclusive, and for such offences only, sentence any person subject to its jurisdiction to death, or to transportation for life, or for any period not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any period not exceeding fourteen years.

(*b*).—Any General Court Martial may, for any offence falling under Article 54, 55 or 56 of these Articles, sentence any person as aforesaid to the penalties attached to such offences in Article 57, and may, for any other disgraceful conduct, award the penalties attached to that offence in Articles 136, 137 and 138.

(*c*).—Any General Court Martial may, in any case where no special punishments are prescribed, or, in addition to any special punishment, where so authorized, sentence any person amenable thereto to any punishment specified in Articles 131, 132, 133, 135, 137 and 138.

(*d*).—No Court Martial, other than a General Court Martial, shall have power to award a sentence of death, transportation, or imprisonment exceeding one year.

Any General Court Martial may sentence any Commissioned Officer to be dismissed the service or to be suspended from rank, pay and allowances for any stated period; or to be placed one or more steps lower in the list of his rank.

No Court Martial, other than a General Court Martial, shall have power to try or punish a Commissioned Officer.

Of

Of General, District or Garrison Courts Martial.

Article 131.—Any General, District or Garrison Court Martial may sentence a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer to be dismissed the service; or to be suspended from rank, pay and allowances for any stated period; or to be reduced to a lower grade or class in his Department, or to be placed one or more steps lower in the list of his rank.

No Court Martial inferior to a District or Garrison Court Martial shall have power to try or punish any Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer.

Reduction, Dismissal, Corporal punishment and Imprisonment.

Article 132.—Any Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks; or to be placed one or more steps lower in the list of his rank;

Or may sentence any person subject to these Articles below the rank of Warrant Officer, to be dismissed the service; or to suffer corporal punishment not exceeding fifty lashes; or to imprisonment with or without hard labour, and with or without solitary confinement, for such periods as are hereinafter prescribed.

Limit of Imprisonment.

Article 133.—Except in the cases provided for in Articles 24 and 57, the limit of imprisonment, whether with or without hard labour and solitary confinement, awardable by Courts Martial under these Articles, shall be for General Courts Martial two years; for District or Garrison Courts Martial one year; and for Regimental or Detachment Courts Martial six months.

Solitary Confinement.

Article 134.—No person shall, under any such sentence, or under one or more sentences, be kept in solitary confinement more than eighty-four days in one year, or more than fourteen days at one time, and there shall be, between the periods of solitary confinement, intervals of ordinary imprisonment at least equal to the period of solitary confinement.

Reduction

Reduction to ranks.

Article 135.—No Non-Commissioned Officer shall be sentenced by any Court Martial to imprisonment or to corporal punishment, without being first sentenced to reduction to the ranks.

Forfeiture of pay and pension.

Article 136.—On a conviction of any disgraceful conduct, a General, District or Garrison Court Martial may, in addition to any other punishment which it is empowered to award, sentence the offender to forfeit all advantage as to additional pay, good-conduct pay and claim to pension on discharge, which might otherwise have accrued from the length or nature of his former service; or to forfeit all such advantage absolutely, whether it has accrued from former service or may accrue from future service.

Forfeiture of arrears of pay.

Article 137.—On any conviction of disgraceful conduct, if the offender be sentenced to dismissal from the service, or if his sentence involve dismissal under Article 155 or Article 157, he shall further be sentenced to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his disgraceful conduct.

Any Court Martial may, in addition to dismissal, or to any punishment involving dismissal under Article 157, sentence any person whom it is authorized to try, to forfeit any arrears of pay and allowances, or other public money, due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his misconduct.

Stoppages.

Article 138.—Every offender convicted of disgraceful conduct, whose dismissal from the service is not so awarded or involved as aforesaid, shall, in addition to any other punishment, be sentenced by the Court to be put under stoppages, to the extent provided by Article 139, until the amount of any proved loss or damage arising out of such conduct be made good.

And any Court Martial, in addition to any punishment other than, or not involving, dismissal, may sentence any person as aforesaid to be put under stoppages,

pages, to the extent specified in Article 139, until any proved loss or damage arising out of his misconduct be made good.

Extent of Stoppages.

Article 139.—Stoppages under Article 138 shall not be awarded, whether under one or more than one sentence, to a greater extent than, in the case of an Officer, two-thirds, or in the case of any other person, one-half of his monthly pay and allowances; and shall not be so awarded as to extend beyond one year.

Any public money issued to the offender within the said period of one year, shall, for the purposes of this Article, be deemed to be pay and allowances.

Sentence of Transportation or Imprisonment on person already sentenced.

Article 140.—Whenever a sentence of transportation or imprisonment is passed by any Court Martial upon an offender already under sentence of transportation for a limited term, or of imprisonment, the Court may award transportation or imprisonment to commence on the expiration of such previous sentence; notwithstanding that the aggregate of any terms of imprisonment may thus exceed the limit of imprisonment which such Court is by these Articles empowered to award.

Form of sentence of death.

Article 141.—In awarding a sentence of death, a General Court Martial shall, at its discretion, direct that the offender shall "suffer death by being hanged by the neck until he be dead," or shall "suffer death by being shot to death."

Chapter IV.—Confirmation and Commutation of sentences.

Sentences to be confirmed or otherwise disposed of.

Article 142.—Save in the case of a Summary Court Martial, no decision or sentence of any Court Martial shall be carried into effect until confirmed or otherwise disposed of by—

(*a*).—In the case of any Court Martial for the trial of any person within his command—the Commander-in-Chief of a Presidency: or

(*b*).—In the case of any Court Martial for the trial of any person under his command—any Officer authorized in this behalf by warrant of the Commander-in-Chief

in-Chief of any Presidency, but subject to any restrictions contained in the warrant: or

(*c*).—In the case of any Court Martial for the trial of any person under his command—any Officer in actual command of troops who is authorized in this behalf by the Governor General of India in Council, the Governor of Fort Saint George in Council, or the Governor of Bombay in Council:

(*d*).—In the case of any Court Martial for the trial of any person under his command—any Officer commanding Native troops not attached to the forces of a Presidency who is authorized in this behalf by warrant of the Commander-in-Chief in India:

(*e*).—In the case of a Detachment General Court Martial held beyond the limits of British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty—the Officer appointing such Court Martial, unless the sentence of such Court Martial exceeds that awardable by a District or Garrison Court Martial, in which case the Commander of Her Majesty's forces with which the offender is serving, shall alone have power to confirm, remit, commute or annul such sentence:

(*f*).—In the case of a Regimental Court Martial for the trial of any person under his command—the Officer appointing such Court Martial:

(*g*).—In the case of a Regimental or other Detachment Court Martial for the trial of any person under his command, where the detachment consists of, or is equal in strength to, three troops or companies—the Commanding Officer:

(*h*).—But when any such Court Martial is held in a Detachment of less than, or not equal in strength to, three troops or companies, the sentence shall be submitted for confirmation to the Officer Commanding the prisoner's Regiment, or to the nearest superior Officer holding a command of not less than a Regiment, who is hereby empowered to dispose of such sentence in like manner as if the trial had been held by his own order:

Provided that in detached situations beyond sea, or out of British India, or on service in the field, or in cases where immediate example is necessary and reference cannot be made to such Regimental or other superior Commanding Officer without detriment to the service, the Officer Commanding any Detachment,

ment, whatever its strength, may dispose of and carry out the sentence of any Detachment Court Martial held by his order.

(*i*).—Any Commander-in Chief or Officer mentioned in clauses (*a*), (*b*), (*c*), (*d*), (*e*), (*f*) and (*g*) of this Article may, subject to the provisions of these Articles, and to the restrictions (if any) in the warrant (if any) by which he is authorized in this behalf, mitigate, remit, commute or annul any sentence to the execution of which his confirmation is necessary.

Sentence of death.

Article 143.—When a sentence of death has been passed by any General Court Martial, the Officer so authorized, in accordance with these Articles, may confirm such sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to transportation for life, or for any term not less than seven years, or to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years.

Sentence of penal servitude or transportation.

Article 144.—Notwithstanding anything hereinbefore contained, whenever any person, being an European or American or a legitimate lineal descendant of an European or American, is convicted of an offence punishable under these Articles with transportation, the Court shall sentence the offender to penal servitude instead of transportation, according to the provisions of Act No. XXIV of 1855.

When a sentence of transportation has been awarded by any General Court Martial, the Officer authorized, in accordance with these Articles, may confirm the sentence and cause it to be carried into effect, or may, in lieu thereof, sentence the offender to imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years, and not exceeding the term of transportation awarded by the Court.

Sentence of dismissal on Commissioned Officers, &c.

Article 145.—A sentence of dismissal from the service passed by any Court Martial under these Articles upon a Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, may be commuted

commuted by the Officer duly authorized to confirm or otherwise dispose of such sentence, to suspension from rank, pay and allowances for any stated period.

Any sentence on Commissioned Officers, &c.

Article 146.—Except on foreign service, or when reference cannot, without detriment to discipline, be made to superior military authority, no decision or sentence passed upon any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, shall be carried into effect until confirmed or otherwise disposed of by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is serving in a Presidency, by the Commander-in-Chief of such Presidency, or, when the offender belongs to a force not attached to any Presidency, by the Officer Commanding the force.

Sentence of corporal punishment.

Article 147.—A sentence of corporal punishment passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for any period not exceeding one year, which might have been awarded by such Court Martial.

Sentence of imprisonment with hard labour.

Article 148.—A sentence of imprisonment with hard labour passed by any Court Martial may be commuted, by the Officer authorized to confirm or otherwise dispose of such sentence, to dismissal from the service, or to imprisonment without hard labour, and with or without solitary confinement, for the term mentioned in the sentence, or for any shorter term.

Sentence of reduction with corporal punishment or imprisonment.

Article 149.—The Officer duly authorized to confirm or otherwise dispose of the sentence of any Court Martial may, in the case of a Non-Commissioned Officer sentenced by any such Court, mitigate a sentence of reduction to the ranks followed by corporal punishment or imprisonment to reduction only,

Commutation of sentence of dismissal on Non-Commissioned Officers.

or may commute a sentence of dismissal from the service to reduction to the ranks.

CHAPTER

Chapter V.—Execution of Sentences.

Transportation.

Article 150.—Whenever the sentence of a General Court Martial awarding transportation is duly confirmed, or whenever a sentence of death is duly commuted to transportation, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall give effect to the sentence accordingly, under such order as he may receive from the Local Government.

Imprisonment with hard labour.

Article 151.—Whenever the duly confirmed sentence of any Court Martial awards imprisonment with hard labour, or whenever the sentence of any Court Martial is duly commuted to such imprisonment, the offender shall be delivered over with a warrant of commitment, containing an authenticated copy of the said sentence or commuted sentence, to the Officer in charge of the nearest jail; and such Officer shall detain the offender, under the rules in force, in such jail, according to the exigency of the warrant, or until he is discharged by due course of law.

Place of imprisonment.

Article 152.—The Commander-in-Chief of a Presidency may, as occasion requires, direct that any person under his command and sentenced under these Articles to imprisonment, shall be confined in any jail or other fit place for confinement, situate within the local limits of such command, or may order his removal from any place of confinement under military control to any other such place, or to any jail or other fit place of confinement situate within such local limits.

The Officer Commanding any force not attached to any Presidency, shall have the like powers so far as regards persons under his command and jails or other places of confinement situate within the local limits of such command.

Transfer to military custody.

Article 153.—When any person subject to these Articles is confined in any jail or other place not subject to military control, under a sentence of transportation or imprisonment, whether passed by a Court Martial or by a Court of Criminal Justice, the Government of India, or the Local Government of the Presidency

sidency or place wherein such person is confined, may order his transfer to military custody,

or may order his removal from one to any other such place of confinement within the territories of such Government.

The period during which such person is in custody during his removal shall be reckoned as part of his term of transportation or imprisonment.

Forfeiture of pay during imprisonment.

Article 154.—Any person subject to these Articles in receipt of public pay, who is imprisoned in any place under the sentence, or commuted sentence, of a Court Martial, or a Court of Criminal Justice, shall, during such imprisonment, if his sentence does not involve dismissal under Article 155 or Article 157, forfeit all pay and allowances, and be entitled to subsistence only, according to the rates prescribed in the regulations of the Government to which he is subject.

And any such person in confinement in any place whatsoever, whether as a punishment by his Commanding Officer, or under any charge of which he is subsequently convicted, shall, during such confinement, forfeit all pay and allowances, and be entitled to subsistence only, according to the regulations of the Government to which he is subject.

Striking Convict off strength of Regiment.

Article 155.—Every person sentenced by any Court Martial, or by any Court exercising jurisdiction in criminal cases, to transportation or to imprisonment with hard labour for any term exceeding three months, shall, in the case of a sentence by a Court Martial, from the date of confirmation of such sentence, and in the case of a sentence by a Criminal Court, from the date of such sentence, be struck off the strength of the regiment, corps or department to which he belongs.

Non-re-admission of Convict.

Article 156.— No person who has undergone any such period of transportation or imprisonment with hard labour, shall be re-admitted to the service, or be entitled to any pension:

Provided that in the case of any illegal sentence duly annulled as aforesaid, or of a pardon under Article 160, such person may, by order of the Government when

when the offence is non-military, or by order of the Commander-in-Chief of the Presidency when the offence is military, be re-admitted to service, or pension, as the case may be.

Dismissal with ignominy.

Article 157.—Any person below the rank of Warrant Officer sentenced under these Articles to dismissal, or to imprisonment with hard labour, or to corporal punishment for disgraceful conduct, shall, on the confirmation of such sentence, be dismissed with ignominy from the service.

Publication of sentence for disgraceful conduct.

Article 158.—A copy of every confirmed sentence of dismissal, imprisonment with hard labour, or corporal punishment for disgraceful conduct, and of the orders passed thereupon, shall be sent by the Adjutant General of the Army to the Chief Civil or Political Officer of the District wherein the offender's place of residence is situated; and such Officer shall publish the sentence and orders at the said place in such manner as may there be usual.

Sentences of Summary Courts Martial.

Article 159.—Any sentence awarded by a Summary Court Martial may be carried into effect forthwith on the Commanding Officer's own authority, and all provisions contained in Articles 151, 152, 153, 154, 155, 156, 157, 158, 160 and 161 as to execution of sentences and disposal of prisoners, shall equally apply to persons sentenced by Summary Court Martial.

CHAPTER VI.—PARDONS AND REMISSIONS.

Pardon of person convicted of military offence.

Article 160.—The Governor General of India in Council, as regards any person subject to these Articles who has been convicted by a Court Martial of a military offence, and the Governors of Fort St. George in Council, and of Bombay in Council, and the Commander-in-Chief of any Presidency, as regards any such person within the territories subject to such Government, or under the command of such Commander-in-Chief, shall have power to pardon such person, and may, instead of granting a full pardon to any such person, remit wholly or in part any punishment awarded to him by a Court Martial,

and

and may order the restoration to such person of any service or other advantage forfeited under his sentence.

Release of prisoners.

Article 161.—Any Officer in charge of a jail, on receiving a notification under the hand of a Secretary to the Government of India, or to the Government of Fort St. George, or to the Government of Bombay, or under the hand of the Commander-in-Chief of any Presidency, or of the Officer Commanding any force not attached to a Presidency, or any Division or District, that the sentence under which any person subject to these Articles is imprisoned in such jail, has been annulled or remitted, or that any such person has been pardoned under Article 160, shall, on the authority of such notification alone, immediately release the prisoner or return him to military custody.

Chapter VII.—*Regimental Courts of Enquiry.*

Article 162.—If any person subject to these Articles is, without due authority, absent from his duty for two months, a Regimental Court of Enquiry, composed of European or Native Commissioned Officers, or of both in conjunction, shall forthwith assemble, and having received proof on oath or affirmation of the unauthorized absence, shall declare the same, and the period thereof; and the Officer Commanding the Regiment or Corps shall record such declaration in the regimental books.

If the person absent does not afterwards surrender or is not apprehended, such record shall have the legal effect of a conviction of desertion.

If he surrenders or is apprehended, such record, or a copy thereof, purporting to bear the signature of the Officer having the custody of the regimental books shall, on the trial of such person for desertion, be presumptive evidence of the facts therein recorded; and on proof of the identity of the prisoner with the person therein-mentioned, he may be found guilty of desertion.

Persons absent as Prisoners of War.

Article 163.—No person subject to these Articles shall be entitled to any pay or allowances or other public money, or to reckon service during any absence as a prisoner of war.

But

But when such person rejoins the service, enquiry shall be made by a Court Martial into the circumstances of his absence; and unless it is proved to the satisfaction of such Court that he was taken prisoner through his own wilful neglect of duty, or that he had served with or under, or aided the enemy, or that he had not, as soon as possible, returned to the service, he may be recommended by the Court to receive either the whole or any portion of the arrears due to him, and to reckon his service.

Such recommendation duly confirmed by the Commander-in-Chief of the Presidency, or by the Officer Commanding any force not attached to a Presidency, to which the said person belongs, shall entitle him to receive such arrears and reckon service accordingly.

TITLE IV.—POWERS OF OFFICERS INDEPENDENTLY OF TRIAL.

Reduction to ranks.

Article 164.—The Commander-in-Chief of a Presidency, and the Officer Commanding any force not attached to a Presidency, shall have, respectively, power to reduce to the ranks Non-Commissioned Officers under their respective command.

Minor Punishments.

Article 165.—The Commander-in-Chief in India shall, under the authority of the Governor General in Council, prescribe the minor punishments to which persons subject to these Articles shall for light offences be liable, without the intervention of a Court Martial, and shall specify the Officer or Officers by whom, and the extent to which, such minor punishments may be awarded.

No such minor punishment shall be awarded by a Court Martial; and, unless otherwise specially provided by the said Commander-in-Chief, no Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor or Warrant Officer, shall be liable to any such minor punishment.

Good-conduct pay shall not necessarily be forfeited on the infliction of a minor punishment, but forfeiture thereof may be awarded as a substantive punishment, either by order of the Commanding Officer or by sentence of a Court Martial, as may from time to time be prescribed in the General Orders of the Commander-in-Chief in India or of the Commander-in-Chief of the Presidency, as the case may be.

Whenever

Whenever a Soldier is convicted by a Court Martial, his good-conduct pay shall cease.

Forfeiture of good-conduct pay may be awarded in addition to any other minor punishment.

Offences of Native Followers.

Article 166.—For any offence in breach of good order, the Commanding Officer of any regiment, corps or detachment, whether European or Native, in camp, or at any frontier post at which troops are stationed, and to which this Article may be specially extended by the Governor General of India in Council, the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government, may sentence any Native follower of such regiment, corps or detachment, if above the degree of a menial servant, to pay a fine not exceeding fifty rupees, or, in default of payment, or in lieu thereof, to imprisonment for any period not exceeding thirty days; or if the Native follower be not above the degree of a menial servant, to imprisonment not exceeding seven days, or to corporal punishment not exceeding twelve strokes of a rattan.

Imprisonment awarded under this Article may be carried out in a military guard, or in a jail, as ordered by the said Commanding Officer; and the Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

Complaints against Officers.

Article 167.—Any person subject to these Articles, who deems himself wronged by any superior or other Officer, may, if not attached to a troop or company, complain to the Officer under whose command or orders he is serving; and may, if attached to a troop or company, complain to the Officer Commanding the same.

When the Officer complained against is the Officer to whom any other complaint should, under this Article, be preferred, the aggrieved person shall complain to such Officer's next superior Officer.

No such complaint shall be made to any Officer other than those indicated in the former part of this Article.

Every

Every Officer receiving any such complaint shall examine into it, and, when necessary, refer it to superior authority.

Every such complaint shall be preferred through such channels as may be from time to time prescribed by proper authority ; and any person preferring a frivolous or groundless complaint shall be liable to trial by any Court Martial competent to try him, and to such punishment, other than dismissal, corporal punishment, or imprisonment with hard labour, as the Court is empowered by these Articles to award.

Provost Marshals.

Article 168.—For the prompt and instant repression of irregularities and offences committed in the field or on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency, or the Officer Commanding the Forces in the field ; and the powers and duties of such Provost Marshals shall be regulated according to the established custom of war and the rules of the service.

Their duties and powers.

Article 169.—The duties of a Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description, to preserve good order and discipline, and to prevent breaches of the same by persons belonging or attached to the Army.

The Provost Marshal may punish, corporally, then and there, any person amenable to these Articles below the rank of Warrant Officer, who, in his view or in the view of any of his assistants, commits any breach of good order and military discipline :

Provided that such punishment shall be limited to the necessity of the case, and shall accord with the orders which the Provost Marshal may from time to time receive from the Officer Commanding the troops :

Provided also that the orders of the said Commanding Officer shall in no case authorize such corporal punishment in excess of that awardable by sentence of a Court Martial.

If the actual commission of the offence is not witnessed by the Provost Marshal, or any of his assistants, but sufficient proof can be obtained of the offender's

offender's guilt, he shall report the case to the Commander of the Troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and military discipline.

Title V.—Non-military Offences.

Offences ~~committed~~ within jurisdiction of Criminal Court.

Article 170.—Any person subject to these Articles, who, at any place in British India within the jurisdiction of any Court of Criminal Justice established by Her Majesty, or by the Government of India, or by the Local Government, is accused of any offence against the Indian Penal Code, and not included in the foregoing Articles, shall be delivered over to the nearest Magistrate to be proceeded against according to law.

All persons in, or attached to, the Army, are hereby required, upon application duly made to them for that purpose, to assist the Officers of Justice in apprehending and securing any such accused person.

Any person in, or attached to, the Army, wilfully neglecting or refusing so to assist shall be punished with any punishment, other than death or transportation, awardable under these Articles.

Offences committed out of British India.

Article 171.—In any place out of British India, offences against the Indian Penal Code, and not included in the foregoing Articles shall, when committed by any person amenable to these Articles, be cognizable by a General Court Martial to be convened by any Officer who is empowered by warrant, or Order in Council, or by Article 77, to appoint General Courts Martial.

General Court Martial for trial of such offences.

Article 172.—The provisions of these Articles as to the composition and procedure of General Courts Martial, shall, with the exception of those contained in Article 117, apply to General Courts Martial for the trial of non-military offences:

Provided that such General Courts Martial shall, in every case, be attended by a Judge Advocate.

Sentences

Sentences of such Court.

Article 173.—A General Court Martial held for the trial of a non-military offence, shall, on the conviction of any offender, award punishment in accordance with the provisions of the Indian Penal Code.

Confirmation of sentences.

Article 174.—No decision or sentence passed by any such General Court Martial shall be carried into effect until confirmed or otherwise disposed of by the authority which, under these Articles, is empowered to confirm or otherwise dispose of the sentence of such General Court Martial; and no sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs, or, when the offender is beyond the limits of British India, until confirmed by the Officer Commanding Her Majesty's Forces with which the offender is serving, or when the offender does not belong to any Presidency, until confirmed by the Commander-in-Chief in India.

Commutation of sentences.

Prisoners.

Article 175.—All the provisions contained in Articles 143, 144, 148, 150, 151, 152, 153, 154, 155, 156 and 161, relating to the disposal of sentences and of sentenced prisoners, shall apply to persons sentenced by a General Court Martial for a non-military offence.

TITLE VI.—EFFECTS OF DECEASED MEN AND OF DESERTERS.

Article 176.—When any person subject to these Articles dies, or is killed in the field, the Officer Commanding the regiment, corps or detachment, or the Officer in charge of the department to which such person belonged, shall, if no representative in interest of such person be on the spot, secure his effects in camp or quarters, and cause an inventory thereof to be made, and a duplicate of such inventory to be lodged with the Officer Commanding, or in charge of, the regiment, corps, detachment or department to which the deceased belonged.

Sale of effects and discharge of debts.

Article 177.—If there be no representative on the spot, or readily accessible, such Officer shall, without any representation taken out, publicly sell such part

part of the effects of the deceased in camp or quarters as do not consist of money, and shall pay thereout the debts of the deceased in camp or quarters, the expense of his funeral ceremonies, and his regimental debts of every description; and shall pay the surplus (if any) to the representative in interest of the deceased.

Remittal of Surplus.

Article 178.—In the event of no claim for the surplus of the deceased person's estate being made and established within twelve months of his death, the amount in the hands of the Officer in charge of the estate shall be remitted to the Controller General of Accounts at Calcutta, or to the Accountant General to the Government of Fort St. George or of Bombay; or, if the deceased shall have belonged to a force not under any Presidency, to the Controller General of Accounts at Calcutta.

Sale of effects of Deserters.

Article 179.—The effects in camp or quarters of a deserter shall be publicly sold, and the proceeds, after payment thereout of all regimental or departmental claims, shall be remitted by the Officer Commanding, or in charge of, the regiment, corps, detachment or department to which the deserter belongs, to the Controller General of Accounts at Calcutta, or to the Accountant General to the Government of Fort St. George or of Bombay.

Remittal of proceeds.

If the deserter belongs to a force not attached to any Presidency, then the said proceeds shall be remitted to the Controller General of Accounts at Calcutta.

PART III.—MISCELLANEOUS.

Prohibition of Second Trial.

(*a*).—Persons subject to the Articles contained in Part II of this Act, who have been acquitted or convicted, either by a Court Martial or by a Court of Criminal Justice, of any offence, whether military or non-military, shall not be again tried or punished for the same offence by any Court whatsoever.

But any such person may be dismissed the service.

Prohibition

Prohibition of Arrest for Debt.

(*b*).—No person attested under this Act or any previous Articles of War for Her Majesty's Indian Army, shall, so long as he belongs to such Army, be liable to be arrested for debt under any process issued by, or by the authority of, any Court of Law.

The Judge of any such Court may examine into any complaint made by such person or his superior Officer, of the arrest of such person contrary to the intent of this Act, and may by warrant under his hand discharge such person, and shall award reasonable costs to the complainant, who may recover such costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining such process.

The arms, horse, clothes, equipments, regimental accoutrements and necessaries of any such attested person shall not be seized, nor shall his pay and allowances or any part thereof be attached, in satisfaction of any judgment against him or any person whom he may represent.

Breach of Cantonment Rules.

(*c*).—When any offence in breach of any duly authorized Cantonment rule or regulation is committed by any person not subject to the said Articles, and not an European British subject or an Officer or Soldier, the Officer Commanding the Cantonment may, where there is no Cantonment Magistrate, summon or order the apprehension of the offender; and such Officer may (after personally investigating the case) sentence the offender to pay a fine not exceeding fifty rupees; or in default of payment of, or in lieu of, such fine, to imprisonment in any jail or military guard for a period not exceeding thirty days.

The Officer in charge of any jail shall, on the delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer, detain the offender according to the exigency of the warrant, or until he is discharged by due course of law.

Capture of Deserters.

(*d*).—Whenever any person subject to the said Articles deserts, the Commanding Officer of the regiment, corps or detachment to which he belongs, shall give written information of the desertion to such Civil, Political, or Police authorities as, in his opinion, may be able to afford assistance towards the capture

ture of the deserter; and such authorities shall thereupon take steps for the
(3) apprehension of the said deserter, in like manner as if he were a person for whose capture a warrant had been issued by a Magistrate, and shall deliver the deserter when apprehended to military custody.

Such authorities shall also, by such means as appear to them best adapted for
"A the purpose, prevent persons reasonably suspected to be subject to the said Articles from travelling through the districts subject to their jurisdiction, unless on duty, or furnished with a certificate of leave or discharge.

Any Police Officer may arrest, without warrant, any person so suspected, and shall bring him without delay before the nearest Magistrate, or the nearest
"A Military Commanding Officer when no Magistrate is readily accessible, to be dealt with according to law.

Apprehension of Military Offenders.

(*e*).—Whenever any person subject to the said Articles, who is accused of any military offence, is within the jurisdiction of any Civil, Political, or Police Officer, such Officer shall aid in the apprehension and delivery to military custody of such
" person upon receipt of a written application to that effect, signed by his Commanding Officer.

Presumption as to signatures.

(*f*).—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an Officer in the civil or military service of Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

(2)

Native Troops serving out of their own Presidency.

(*g*).—When any portion of the Native troops belonging to any Presidency is serving within the limits of any other Presidency, such troops shall, during
"A such service, for all the purposes of the said Articles, be under the authority and orders of the Commander-in-Chief of the Presidency in which they are serving:

"A Provided that it shall be lawful for the Governor General of India in Council to direct that, for the purposes of the said Articles, Native troops serving out of their own Presidency shall continue subject to the authority and orders of the Commander-in-Chief of the Presidency to which such troops belong.

Power

Power to make Orders and issue Warrants.

(*h*).—The Governor General of India in Council,

The Governors of Fort St. George and Bombay in Council,

The Commander-in-Chief of any Presidency,

may respectively make all orders and issue all warrants for holding Courts Martial or otherwise, which appear necessary for the purposes of this Act; and in the case of military offences requiring to be disposed of without delay, the Governor General of India in Council, and the Governors of Fort St. George and Bombay in Council may respectively further authorize any Officer empowered by Order in Council to confirm, commute, remit or annul sentences in such cases, to refer such sentences for orders to the Commander-in-Chief of the Presidency.

Limitation of Powers.

(*i*).—Nothing hereinbefore contained shall empower the Commander-in-Chief of a Presidency to re-admit to service or pension any person not within his command, or to authorize any Officer to appoint, or to confirm, commute, remit or annul the sentences of Courts Martial for the trial of any person not within the command of such Commander-in-Chief, except in the case specified in the proviso in clause (*g*) of this Part,

or shall empower any Government to give directions as to the composition of, or to authorize the appointment of, Courts Martial in any place for the time being subject to any other Government.

Nothing in this Act shall be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act of Parliament or by Royal warrant or commission.

Power to make Rules.

(*j*).—It shall be lawful for the Governor General of India in Council from time to time to make rules consistent with this Act, for the guidance of Officers, whether Military, Civil, or Political, in all matters connected with its enforcement.

All such rules shall be published in the *Gazette of India*, and shall thereupon be deemed to have the force of law.

The Commander-in-Chief in India, as regards the Presidency of Fort William and Forces not attached to any Presidency, may, with the previous sanction

sanction of the Governor General of India in Council, and the Commanders-in-Chief of the Presidencies of Fort Saint George and Bombay, as regards their respective Presidencies, may, with the previous sanction of the Local Government, from time to time substitute for the forms of affirmation given in Articles 109 and 111 as appropriate to Native Officers and witnesses, such other forms as may be thought appropriate to Native Officers and witnesses of any religion.

Articles to be read periodically.

(*k*).—The following Articles, namely, Articles 3, 4, 5, 7 to 71, both inclusive, 90, 91, 92, 93, 94, 125, 126, 130, 131, 132, 133, 135, 136, 137, 138, 139, 154, 167 and 176, shall be read once in every three months at the head of every regiment, corps, troop, or company in the service.

APPENDIX.

PART I.—DEFINITIONS IN THE INDIAN PENAL CODE.

[See PART I, CLAUSE (*e*).]

Wrongful gain.

23. "Wrongful gain" is gain, by unlawful means, of property to which the person gaining is not legally entitled.

Wrongful loss.

"Wrongful loss" is the loss, by unlawful means, of property to which the person losing it is legally entitled.

A person is said to gain wrongfully when such person retains wrongfully, as well as when such person acquires wrongfully. A person is said to lose wrongfully when such person is wrongfully kept out of any property, as well as when such person is wrongfully deprived of property.

Dishonestly.

24. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another person, is said to do that thing "dishonestly."

Fraudulently.

Fraudulently.

25. A person is said to do a thing fraudulently if he does that thing with intent to defraud, but not otherwise.

Reason to believe.

26. A person is said to have "reason to believe" a thing, if he has sufficient cause to believe that thing, but not otherwise.

Of Hurt.

Hurt.

319. Whoever causes bodily pain, disease, or infirmity to any person is said to cause hurt.

Grievous Hurt.

320. The following kinds of hurt only are designated as "grievous" :—

First.—Emasculation.

Secondly.—Permanent privation of the sight of either eye.

Thirdly.—Permanent privation of the hearing of either ear.

Fourthly.—Privation of any member or joint.

Fifthly.—Destruction or permanent impairing of the powers of any member or joint.

Sixthly.—Permanent disfiguration of the head or face.

Seventhly.—Fracture or dislocation of a bone or tooth.

Eighthly.—Any hurt which endangers life, or which causes the sufferer to be, during the space of twenty days, in severe bodily pain, or unable to follow his ordinary pursuits.

Voluntarily causing hurt.

321. Whoever does any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt to any person, is said "voluntarily to cause hurt."

Voluntarily

Voluntarily causing grievous hurt.

322. Whoever voluntarily causes hurt, if the hurt which he intends to cause, or knows himself to be likely to cause, is grievous hurt, and if the hurt which he causes is grievous hurt, is said "voluntarily to cause grievous hurt."

Explanation.—A person is not said voluntarily to cause grievous hurt except when he both causes grievous hurt and intends or knows himself to be likely to cause grievous hurt. But he is said voluntarily to cause grievous hurt if, intending or knowing himself to be likely to cause grievous hurt of one kind, he actually causes grievous hurt of another kind.

Illustration.

A, intending, or knowing himself to be likely, permanently to disfigure Z's face, gives Z a blow which does not permanently disfigure Z's face, but which causes Z to suffer severe bodily pain for the space of twenty days; A has voluntarily caused grievous hurt.

OF CRIMINAL FORCE AND ASSAULT.

Force.

349. A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling: Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion in one of the three ways hereinafter described:

First.—By his own bodily power.

Secondly.—By disposing any substance in such a manner that the motion, or change, or cessation of motion takes place without any further act on his part, or on the part of any other person.

Thirdly.—By inducing any animal to move, to change its motion, or to cease to move.

Criminal Force.

350. Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending by the

the use of such force to cause, or knowing it to be likely that by the use of such force he will cause injury, fear, or annoyance to the person to whom the force is used, is said to use criminal force to that other.

Illustrations.

(*a*). Z is sitting in a moored boat on a river. A unfastens the moorings, and thus intentionally causes the boat to drift down the stream. Here A intentionally causes motion to Z, and he does this by disposing substances in such a manner that the motion is produced without any other act on any person's part. A has therefore intentionally used force to Z; and if he has done so without Z's consent, in order to the committing of any offence, or intending or knowing it to be likely that this use of force will cause injury, fear, or annoyance to Z, A has used criminal force to Z.

(*b*). Z is riding in a chariot. A lashes Z's horses, and thereby causes them to quicken their pace. Here A has caused change of motion to Z by inducing the animals to change their motion. A has therefore used force to Z; and if A has done this without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, A has committed criminal force to Z.

(*c*). Z is riding in a palanquin. A, intending to rob Z, seizes the pole and stops the palanquin. Here A has caused cessation of motion to Z, and he has done this by his own bodily power. A has therefore used force to Z; and as A has acted thus intentionally without Z's consent, in order to the commission of an offence, A has used criminal force to Z.

(*d*). A intentionally pushes against Z in the street. Here A has, by his own bodily power, moved his own person so as to bring it into contact with Z. He has therefore intentionally used force to Z, and if he has done so without Z's consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy Z, he has used criminal force to Z.

(*e*). A throws a stone, intending or knowing it to be likely that the stone will be thus brought into contact with Z, or with Z's clothes, or with something carried by Z, or that it will strike water and dash up the water against Z's clothes, or something carried by Z. Here, if the throwing of the stone produce the effect of causing any substance to come into contact with Z or Z's clothes, A has used force to Z; and if he did so without Z's consent, intending thereby to injure, frighten or annoy Z, he has used criminal force to Z.

(*f*). A

(*f*). A intentionally pulls up a woman's veil. Here A intentionally uses force to her; and if he does so without her consent, intending or knowing it to be likely that he may thereby injure, frighten, or annoy her, he has used criminal force to her.

(*g*). Z is bathing. A pours into the bath water which he knows to be boiling. Here A intentionally, by his own bodily power, causes such motion in the boiling water as brings that water into contact with Z, or with other water so situated that such contact must affect Z's sense of feeling: A has therefore intentionally used force to Z; and if he has done this without Z's consent, intending or knowing it to be likely that he may thereby cause injury, fear, or annoyance to Z, A has used criminal force.

(*h*). A incites a dog to spring upon Z, without Z's consent. Here, if A intends to cause injury, fear, or annoyance to Z, he uses criminal force to Z.

Assault.

351. Whoever makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes that gesture or preparation is about to use criminal force to that person, is said to commit an assault.

Explanation.—Mere words do not amount to an assault. But the words which a person uses may give to his gestures or preparation such a meaning as may make those gestures or preparations amount to an assault.

Illustrations.

(*a*). A shakes his fist at Z, intending or knowing it to be likely that he may thereby cause Z to believe that A is about to strike Z. A has committed an assault.

(*b*). A begins to unloose the muzzle of a ferocious dog, intending or knowing it to be likely that he may thereby cause Z to believe that he is about to cause the dog to attack Z. A has committed an assault upon Z.

(*c*). A takes up a stick, saying to Z, "I will give you a beating." Here, though the words used by A could in no case amount to an assault, and though the mere gesture, unaccompanied by any other circumstances might not amount to an assault, the gesture explained by the words may amount to an assault.

378. Whoever

378. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft.

Theft.

Explanation 1.—A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft as soon as it is severed from the earth.

Explanation 2.—A moving, effected by the same act which effects the severance, may be a theft.

Explanation 3.—A person is said to cause a thing to move by removing an obstacle which prevented it from moving, or by separating it from any other thing, as well as by actually moving it.

Explanation 4.—A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.—The consent mentioned in the definition may be express or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations.

(*a*). A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession, without Z's consent. Here, as soon as A has severed the tree in order to such taking, he has committed theft.

(*b*). A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession without Z's consent, A has committed theft as soon as Z's dog has begun to follow A.

(*c*). A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. As soon as the bullock begins to move, A has committed theft of the treasure.

(*d*). A, being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent, A has committed theft.

(*e*). Z,

(*e*). Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here the plate was not in Z's possession. It could not therefore be taken out of Z's possession, and A has not committed theft, though he may have committed criminal breach of trust.

(*f*). A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A commits theft.

(*g*). A finds a ring lying on the high-road, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal misappropriation of property.

(*h*). A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search and detection, A hides the ring in a place where it is highly improbable that it will ever be found by Z, with the intention of taking the ring from the hiding place and selling it when the loss is forgotten. Here A, at the time of first moving the ring, commits theft.

(*i*). A delivers his watch to Z, a jeweller, to be regulated. Z carries it to his shop. A, not owing to the jeweller any debt for which the jeweller might lawfully detain the watch as a security, enters the shop openly, takes his watch by force out of Z's hand, and carries it away. Here A, though he may have committed criminal trespass and assault, has not committed theft, inasmuch as what he did was not done dishonestly.

(*j*). If A owes money to Z for repairing the watch, and if Z retains the watch lawfully as a security for the debt, and A takes the watch out of Z's possession, with the intention of depriving Z of the property as a security for his debt, he commits theft, inasmuch as he takes it dishonestly.

(*k*). Again, if A, having pawned his watch to Z, takes it out of Z's possession without Z's consent, not having paid what he had borrowed on the watch, he commits theft, though the watch is his own property, inasmuch as he takes it dishonestly.

(*l*). A takes an article belonging to Z out of Z's possession, without Z's consent, with the intention of keeping it until he obtains money from Z, as a reward

reward for its restoration. Here A takes dishonestly; A has therefore committed theft.

(*m*). A, being on friendly terms with Z, goes into Z's library in Z's absence, and takes away a book without Z's express consent, for the purpose merely of reading it, and with the intention of returning it. Here, it is probable that A may have conceived that he had Z's implied consent to use Z's book. If this was A's impression, A has not committed theft.

(*n*). A asks charity from Z's wife. She gives A money, food, and clothes, which A knows to belong to Z, her husband. Here, it is probable that A may conceive that Z's wife is authorized to give away alms. If this was A's impression, A has not committed theft.

(*o*). A is the paramour of Z's wife. She gives A valuable property, which A knows to belong to her husband Z, and to be such property as she has not authority from Z to give. If A takes the property dishonestly, he commits theft.

(*p*). A in good faith, believing property belonging to Z to be A's own property, takes that property out of B's possession. Here, as A does not take dishonestly, he does not commit theft.

OF EXTORTION.

Extortion.

383. Whoever intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces the person so put in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits "extortion."

Illustrations.

(*a*). A threatens to publish a defamatory libel concerning Z, unless Z gives him money. He thus induces Z to give him money. A has committed extortion.

(*b*). A threatens Z that he will keep Z's child in wrongful confinement, unless Z will sign and deliver to A a promissory note binding Z to pay certain monies to A. Z signs and delivers the note. A has committed extortion.

(*c*). A

(*c*). A threatens to send club-men to plough up Z's field, unless Z will sign and deliver to B a bond binding Z under a penalty to deliver certain produce to B, and thereby induces Z to sign and deliver the bond. A has committed extortion.

(*d*). A by putting Z in fear of grievous hurt, dishonestly induces Z to sign or affix his seal to a blank paper, and deliver it to A. Z signs and delivers the paper to A. Here, as the paper so signed may be converted into a valuable security, A has committed extortion.

II.—INDIAN PENAL CODE, CHAPTER V.

OF ABETMENT.

SECTIONS 107 AND 108.

(See *Article* 71.)

Abetment of a thing.

107. A person abets the doing of a thing who—

First.—Instigates any person to do that thing; or,

Secondly.—Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or,

Thirdly.—Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.

Illustration.

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact, and also that C is not Z, wilfully represents to A that C is Z, and thereby intentionally causes A to apprehend C. Here B abets by instigation the apprehension of C.

Explanation 2.—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act.

Abettor.

Abettor.

108. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence with the same intention or knowledge as that of the abettor.

Explanation 1.—The abetment of the illegal omission of an act may amount to an offence, although the abettor may not himself be bound to do that act.

Explanation 2.—To constitute the offence of abetment, it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations.

(*a*). A instigates B to murder C. B refuses to do so, A is guilty of abetting B to commit murder.

(*b*). A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to commit murder.

Explanation 3.—It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor, or any guilty intention or knowledge.

Illustrations.

(*a*). A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence, and having the same intention as A. Here A, whether the act be committed or not, is guilty of abetting an offence.

(*b*). A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in consequence of the abetment, does the act, and thereby causes Z's death. Here, though B was not capable by law of committing an offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed murder, and he is therefore subject to the punishment of death.

(*c*). A

(*c*). A instigates B to set fire to a dwelling-house. B, in consequence of the unsoundness of his mind, being incapable of knowing the nature of the act, or that he is doing what is wrong or contrary to law, sets fire to the house in consequence of A's instigation. B has committed no offence, but A is guilty of abetting the offence of setting fire to a dwelling-house, and is liable to the punishment provided for that offence.

(*d*). A, intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to believe that the property belongs to A. B takes the property out of Z's possession, in good faith, believing it to be A's property. B, acting under this misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same punishment as if B had committed theft.

Explanation 4.—The abetment of an offence being an offence, the abetment of such an abetment is also an offence.

Illustration.

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's instigation. B is liable to be punished for his offence with the punishment for murder; and as A instigated B to commit the offence, A is also liable to the same punishment.

Explanation 5.—It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engage in the conspiracy in pursuance of which the offence is committed.

Illustration.

A concerts with B a plan for poisoning Z. It is agreed that A shall administer the poison. B, then explains the plan to C, mentioning that a third person is to administer the poison, but without mentioning A's name. C agrees to procure the poison, and procures and delivers it to B for the purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not conspired together, yet C has been engaged in the conspiracy in pursuance of which Z has been murdered. C has therefore committed, the offence defined in this section, and is liable to the punishment for murder.

Appendix.—After the appendix add the second appendix as follows:—

THE SCHEDULE.

INDEX.

(Nothing hereinafter contained shall be deemed to have the force of law).

Abandoning garrison, &c., Article 14.
Abetment of offences punishable under Act, Article 71.
Absence without leave, Article 30.
„ „ procedure in trial for, Article 115.
„ from camp without leave, Article 51.
„ from camp after retreat-beating, Article 52.
„ from cantonment or lines after tattoo, *ib.*
„ of President of Court Martial, Article 103.
„ excuse for, Article 115.
„ of officer on revision, Article 120.
„ from duty for two months, Article 162.
„ as prisoner of war, Article 163.
Accountant General, remittal to, Articles 178, 179.
Accoutrements, making away with or losing, Article 47.
Additional pay, forfeiture of, Articles 76, 82, 136.
Adjournment of Court Martial, Article 106.
„ of trial for desertion, absence without leave, overstaying leave, or not rejoining, Article 115.
Adjutant General of Army to send copies of certain sentences and orders passed thereon, Article 158.
Affirmation of person reported fit for duty, Article 1.
„ of interpreter, Article 108, at Summary Court, Article 127.
„ of President and Members, Article 109.
„ of Judge Advocate, Article 110.
See *Evidence.*
Aggravating disease or infirmity, Article 58.
Aiding intentionally, see *Abetment.*
Alarm, using words intended to create, in time of war, Article 23.
See *False Alarm.*
Allied State, station not in British India nor in, Articles 77, 142, clause (*e*).
Allowance, obtaining, by false statement, &c., Article 62.
American not triable by Court composed of Native Officers, Part I, clause (*d*), proviso.
„ when to be sentenced to penal servitude, Article 144.

Ammunition

Ammunition, making away with or losing, Article 47.
„ embezzlement or fraudulent misappropriation of Government, Article 54.
„ furnishing false return of, Article 63.
Annulment of sentences of Courts Martial, Article 142, clause (*i*).
„ of sentence of Detachment General Court Martial, held neither in British India nor in allied Indian State, Article 142, clause (*e*).
„ of illegal sentence, re-admission after, Article 156.
Appearing armed when off duty, Article 49.
Application of Articles, Part I, clause (*d*).
„ for aid in apprehending person accused of military offence, Part III, clause (*e*).
Apprehension of deserter, omission to cause, Article 28.
„ of person breaking cantonment rules, Part III, clause (*c*).
„ of person accused of military offence, Part III, clause (*e*).
Arms, making away with, or losing, Article 47.
„ embezzlement or fraudulent misappropriation of Government, Article 54.
„ furnishing false return of, Article 63.
'Army' defined, Part I, clause (*e*).
„ Head Quarters, monthly returns of trials furnished to, Article 95.
Arrears of pay and allowances, forfeiture of, Articles 76, 82, 85, 137.
Arrest, leaving, Article 36.
„ of person accused of military offence, Article 100.
„ detainment in, *ib.*
„ witnesses privileged from civil, Article 124.
„ of attested persons for debt, prohibited, Part III, clause (*b*).
„ of persons suspected to be deserters, Part III, clause (*d*).
See *Apprehension.*
Arsenal, Summary Court Martial held by European Officer in charge of, Article 90.
Articles, application of, Part I, clause (*d*).
„ to be read to recruits, Article 1.
„ to be read to troops every quarter, Part III, clause (*k*).
Artificers, Articles apply to, Part I, clause (*d*).
'Assault' defined, Part I, clause (*e*) and Appendix No. 1.
„ on superior officer, Article 8.
„ on persons bringing provisions, Article 22.
„ on sentry, Article 27.
Assembly of Court Martial, Article 106.
Assistance to enemy, Article 17.
„ in apprehending and securing persons accused of non-military offences, Article 170.
Assistant Provost Marshal, impeding or refusing to assist, Article 39.
Attempt to use criminal force to superior officer, Article 8.

Attempt to force sentry, Article 27.
„ to commit suicide, Article 48.
Attestation, Article 2.
'Attested' defined, Part I, clause (*e*).
„ person, dismissal of, Article 5.
„ certificate to, Article 6.
„ exempt from arrest for debt, Part III, clause (*d*).
Bahádurs, precedence of, Article 105.
Bázárs, see *Superintendents*.
Beating, causing reparation for, Article 43.
Belief, see *Reason to believe*.
Betraying watchword, Article 15.
Bludgeon, see *Weapon*.
Books, see *Court Martial Books*.
Bribe, requiring or accepting, Article 45.
British-born subjects, Articles not to apply to, Part I, clause (*d*), proviso.
British India, sentences of Courts Martial held beyond limits of, Article 142, clauses (*e*), (*g*).
Buglers, Articles apply to, Part I, clause (*d*).
„ attestation of, Article 2.
Camp, appearing without authority armed in, Article 49.
„ being without authority two miles distant from, Article 51.
Camp Equipage Depôt, Summary Court Martial held by European Officer in charge of, Article 90.
Cantonment Magistrates, saving of regulations defining office and powers of, Part I, clause (*f*).
„ rule, procedure on breach of, Part III, clause (*c*).
See *Police*.
Carriage, exacting, Article 41.
Casting vote of President of Court Martial, Article 118.
Certificate to attested person dismissed or discharged, Article 6.
„ travelling without, Part III, clause (*d*).
„ of previous conviction, Article 117.
Challenge by prisoner, Article 107.
Character, enquiry into general, Article 117.
Charge or declaration made to recruit, Article 1.
Christian lineal descendants of British-born subjects not triable or punishable under Articles, Part I, clause (*d*), proviso.
„ Europeans not being British subjects, and their Christian lineal descendants, triable only by Courts Martial composed of European Officers, *ib.*
Civil Officer of District to publish sentence for disgraceful conduct, Article 158.
„ authorities to take steps to capture deserter, Part III, clause (*d*), or other military offender, *ib.*, clause (*e*).
„ „ rules for guidance of, Part III, clause (*j*).
Clothes, making away with, or losing, Article 47.
„ embezzlement or fraudulent misappropriation of Government, Article 54.

Clothes

Clothes, furnishing false return of, Article 63.
Commander-in-Chief in India may be empowered to authorize Officer commanding certain Native troops to appoint General Courts Martial, Article 73, clause (*d*).
" " " may be empowered to authorize Officer commanding certain Native troops to appoint District or Garrison Courts Martial, Article 79, clause (*d*).
" " " may set aside trial of Summary Court Martial, Article 129.
" " " to prescribe minor punishments and specify Officer to award them, Article 165.
" " " his confirmation of sentences of death, Article 174.
" " " saving of his authority conferred by Act of Parliament or Royal warrant or commission, Part III, clause (*i*).
" " " may substitute new forms of affirmation, Part III, clause (*j*).
" " of Presidency may order dismissal of a Commissioned Officer, Article 3, or of any other person subject to the Articles, Article 4.
" " " may appoint General Court Martial, Article 73.
" " " may appoint Detachment General Court Martial, Article 77.
" " " may appoint District or Garrison Court Martial, Article 79.
" " " transmission of proceedings of Regimental-or Detachment Court Martial held on line of march or on road to, Article 129.
" " " may set aside trial by Summary Court Martial, *ib*.
" " " may confirm, mitigate, commute, remit and annul sentences of Courts Martial, Article 142, clauses (*a*), (*b*) and (*i*).
" " " may delegate such powers, *ib*., clause (*b*).
" " " to confirm sentence on Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, and Warrant Officer, Article 146.
" " " may direct offenders to be imprisoned in any jail, Article 152.
" " " may order prisoner's removal from military jail, *ib*.
" " " when he may order re-admission of convict, Article 156.
" " " may pardon person convicted of military offence, Article 160.
" " " may remit punishment awarded by a Court Martial, *ib*.
" " " may order restoration of advantage forfeited, Article 160.
" " " his confirmation of recommendation that prisoner of war may receive arrears, Article 163.
" " " may reduce to ranks, Article 164.

Commander-in-Chief

Commander-in-Chief of Presidency to appoint Provost Marshal, Article 168.
" " " to confirm sentences of death, Article 174.
" " " may make orders, and issue warrants, Part III, clause (*h*).
" " " reference of sentence to, *ib.*
" " " may substitute new forms of affirmation, Part III, clause (*j*).
Commanding Officer' defined, Part I, clause (*e*).
" " to make declaration to person reported fit for duty, Article 1.
" " may dismiss attested person improperly re-enlisting, Article 5.
" " to furnish certificate to attested person dismissed or discharged, Article 6.
" " to constitute Summary Court Martial, Article 91.
" " holding Summary Court to make oath or affirmation, Article 127,
" " and to record previous conviction and general character of offender, Article 128,
" " and to sign proceedings, Article 129.
" " of cantonment, his jurisdiction in case of breach of cantonment rules, Part III, clause (*c*).
" " to give information of desertion, Part III, clause (*d*).
Commencement of Act, Part I, clause (*b*).
Commissariat Officer, saving of regulations defining office and powers of, Part I, clause (*f*).
Commissioned Officers, Articles apply to, Part I, clause (*d*).
" " defined, Part I, clause (*e*).
" " dismissal of, Article 3.
" " forfeit claim to pension on dismissal, *ib.*
" " General Court Martial to be composed of, Article 74.
" " Detachment General Court Martial to be composed of, Article 78.
" " District or Garrison Court Martial to be composed of, Article 80.
" " Regimental and Detachment Courts Martial to be composed of, Articles 84, 88.
" " not triable by Summary Court Martial, Article 92.
" " Summary Court Martial to be attended by two, Article 125,
" " who are not to be sworn, Article 127,
" " nor to sign proceedings, *ib.*
" " triable or punishable only by General Court Martial, Article 130.
" " may be dismissed, suspended, or placed lower by General Court Martial, *ib.*
" " commutation of sentence of dismissal on, Article 145.
" " confirmation of sentence on, Article 146.
" " not liable to minor punishment, Article 165.
Commutation of sentences of Courts Martial, Article 142, clauses (*e*) and (*i*).
" of sentences of Regimental Courts Martial, *ib.*, clause (*f*).
" of sentences of Regimental Detachment Courts Martial, *ib.*, clause (*g*).
" of sentences of Detachment General Court Martial, *ib.*, clause (*e*).

Commutation

Commutation of sentence of death, Article 143.
" of sentence of dismissal, Article 145.
" of sentence of corporal punishment, Articles 146, 147.
" of sentence of rigorous imprisonment, Article 148.
" of sentence of reduction with corporal punishment or imprisonment, Article 149.
" of sentence of dismissal of Non-Commissioned Officer, *ib.*
" of sentences for non-military offences, Article 175.
Complaint against Officer, Article 167.
" penalty for frivolous, *ib.*
" of soldier arrested for debt, Part III, clause (*b*).
Concealing mutiny or sedition, Article 7.
" correspondence with enemy, Article 16.
" desertion or harbouring of deserters, Article 28.
See *Abetment, Omission.*
Confinement, leaving, Article 36.
" of person accused of military offence, Article 100.
" detainment in, *ib.*
Confirmation of decisions and sentences of Courts Martial, Article 142.
" of sentence of death, Articles 143, 174.
" of sentence of transportation, Article 144.
" of sentence on Commissioned Officer, &c., Article 146.
" of recommendation of Court Martial in case of prisoner of war, Article 163.
" of sentences of General Court Martial for non-military offences, Article 174.
Conniving, see *Abetment.*
Conspiracy against the State, concealing, Article 7.
See *Abetment.*
Contempt of Court Martial, Article 68.
" " " procedure in case of, Articles 69, 123.
Controller General of Accounts, remittal to, Articles 178, 179.
Convening Officer to fix date and hour of original assembly of Court Martial, Article 106.
" " when he may annul the proceedings, and order fresh trial, Article 115.
Convict to be struck off strength of regiment, Article 155.
" not re-admitted to service, nor entitled to pension, except when pardoned or illegally sentenced, Article 156.
Conviction, evidence of previous, Articles 117, 128.
" of desertion, record of unauthorised absence for two months to have effect of, Article 162.
Corporal punishment, sentence of, Articles 76, 82, 85, 89, 94.
" of person below rank of Warrant Officer, Article 132.
" commutation of sentence of, Article 147.
" for disgraceful conduct, publication of sentence of, Article 158.

Corporal

Corporal punishment of Native follower committing breach of good order, Article 166.
„ may be inflicted by Provost Marshal, Article 169.
Corresponding with enemy, Article 16.
Costs to soldier arrested for debt, Part III, clause (*b*).
'Court Martial' defined, Part I, clause (*e*).
„ may sentence to dismissal, Articles 3, 4, 76, 78, 82, 85, 89, 91.
„ conviction by, Article 53.
„ eight kinds of, Article 72.
„ not to award a minor punishment, Article 165.
„ to enquire into circumstances of absence of prisoner of war, Article 163.
Court Martial Books, extracts from, Article 117.
'Criminal force' defined, Part I, clause (*e*) and Appendix No. I.
„ using to superior officer, Article 8.
„ using to persons bringing supplies to camp, Article 22.
Cruel offence, Article 65.
Cure, delaying, Article 58.
Death, punishment of, Articles 24, 76, 78, 130.
„ majority requisite to sentence of, Article 119.
„ awardable only by General Court Martial, Article 130.
„ form of sentence of, Article 141.
„ confirmation of sentence of, Articles 143, 174.
„ of President of Court Martial, Article 103.
Debt, prohibition of arrest of soldier for, Part III, clause (*b*).
Debts of deceased to be discharged, Article 177.
Declaration to person reported fit for duty, Article 1.
Decoration, making away with or pawning, Article 47.
Defacing medal or decoration, Article 47.
Defiling place of worship, Article 44.
Degradation, Articles 76, 78, 82.
„ General, District or Garrison Court Martial may sentence Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, and Warrant Officer to, Article 131.
Delaying cure, Article 58.
Delivery up of documents, Article 67.
„ of offender sentenced to transportation, Article 150.
„ of offender sentenced to imprisonment, Article 151.
Descendants of British-born subjects not triable nor punishable under Articles, Part I, clause (*d*).
'Deserter' defined, Part I, clause (*e*).
„ knowingly harbouring, Article 28.
„ knowingly enlisting a, Article 29.
„ sale of effects of, Article 179.
„ capture of, Part III, clause (*d*).

Desertion,

Desertion, Article 10.
,, advising or persuading, see *Abetment*.
,, triable only by General, District or Garrison Court Martial, Article 95.
,, presumptive evidence of, Article 114.
,, procedure on trial for, Article 115.
,, sentence on trial for, Article 116.
,, information of, Part III, clause (*d*).
Despondency, using words intended to create, in time of war, Article 23.
Destruction of medal or decoration, Article 47.
,, of Government property, Article 55.
Detachment Court Martial, appointment of, Article 87.
,, ,, composition of, Article 88.
,, ,, powers of, Article 89.
,, ,, to be attended by a European Officer of not less than four years' service, Article 101.
Detachment General Court Martial, appointment of, Article 77.
,, ,, composition and powers of, Article 78.
Detainment in arrest or confinement, Article 100.
,, of prisoners, Article 166.
Discharge from service, certificate of, Article 6.
,, re-enlistment without having received, Article 11.
,, of witnesses arrested in civil suits, Article 124.
Discipline, acts and omissions to prejudice of, Article 70.
Disease, feigning, producing or aggravating, Article 58.
Disgraceful conduct, Articles 58 to 66.
,, trial for, Article 66.
,, triable only by General, District or Garrison Court Martial, Article 95.
,, General Court Martial may inflict penalties for, Article 130, clause (*b*).
,, forfeitures on conviction of, Articles 136, 137.
,, stoppages on conviction of, Article 138.
,, dismissal with ignominy for, Article 157.
Dishonest nature, committing offence of, see *Fraudulent offence*.
'Dishonestly' defined, Part I, clause (*e*) and Appendix No. I.
,, misappropriating, &c., Government property, Article 54.
Dismissal of Commissioned Officer, Articles 3, 130.
,, of person not a Commissioned Officer, Articles 4, 131, 132.
,, of attested person previously dismissed or discharged, Article 5.
,, sentence of, Articles 57, 76, 78, 82, 85, 89, 94.
,, General, District or General Court Martial may sentence Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, and Warrant Officer to, Article 131.
,, of person below rank of Warrant Officer, Article 132.
,, commutation of sentence of, Articles 145, 149.
,, with ignominy, Article 157.

Dismissal,

Dismissal, for disgraceful conduct, publication of sentence of, Article 158.
Disobedience to lawful command, Article 9.
" to orders, Article 70.
District Court Martial, powers of, Articles 57, 66, 82, 136.
" " conviction by, Article 57.
" " appointment of, Article 79.
" " composition of, Article 80, clause (*a*).
" " appointed under order in Council, composition of, Article 80, clause (*b*).
" " composition of, Articles 80, 81.
" " may try desertion and disgraceful conduct, Article 95.
" " to be attended by a European Officer of not less than four years' service, Article 101.
District, Officer commanding, may direct trial by Regimental or Detachment Court Martial of certain offences beyond ordinary jurisdiction, Article 95.
Disturbance of fair or market, neglecting to compensate for, Article 43.
" of proceedings of Court Martial, Article 68.
Division, Officer commanding, may direct trial by Regimental or Detachment Court Martial of certain offences beyond ordinary jurisdiction, Article 95.
Dock-yard, sentry over, sleeping upon, or quitting his post, Article 12.
Documents, refusal to produce or deliver up, Article 67.
" summons to produce, Article 122.
Drawing weapons against superior officer, see *Assault*.
Drivers, Articles apply to, Part I, clause (*d*), attestation of, Article 2.
Drummers, Articles apply to, Part I, clause (*d*), attestation of, Article 2.
Drunkenness, see *Intoxication*.
Effects of deceased to be secured, Article 176.
" " sale of, Article 177.
" of deserters, Article 179.
Embezzlement, Articles 54, 61.
Enemy, corresponding with, Article 16.
" assisting, harbouring or protecting, Article 17.
" releasing, aiding or suffering escape of, Article 18.
" misbehaving in presence of, Article 19.
Enlistment in another regiment before discharge, Article 11.
" of a deserter, Article 29.
Entry upon proceedings of permission to try grave offences, Article 95.
Equipments, making away with, or losing, Article 47.
" embezzlement or fraudulent misappropriation of Government, Articles 54, 61.
" furnishing false return of, Article 63.
Escape of prisoner, negligently suffering, Article 35.
See *State-prisoner*.

European

European Commissioned Officer in command may hold Summary Court Martial, Article 90.
" " Officers, when General Court Martial may be composed of, Articles 75, 96, 97.
'European Officers' defined, Part I, clause (*e*).
" " Courts Martial may be directed to be composed of, Article 96.
" " claim to be tried by, Article 97.
" " conduct of proceedings of Court Martial composed of, Article 104.
" " affirmation to be taken by, Articles 108, 109, 110, 111, 112.
" " Americans, Christian European foreigners, and their lineal descendants, triable only by Court Martial composed of, Part I, clause (*d*).
European Superintending Officer to attend Courts of Native Officers, Article 101.
Evidence to be taken on oath or affirmation, Articles 111, 128.
" of desertion, Article 114.
" written reply of referee to be, Article 115.
" of previous convictions and general character, Article 117.
" receivable on a revision, Article 120.
" before Summary Courts Martial, Article 128.
" of unauthorized absence for two months, Article 162.
" copy of record of declaration of Court of Enquiry admissible on trial for desertion, Article 162.
Exaction of carriage, porterage or provisions, Article 41.
Execution of sentence, Articles 150—158, of sentences of Summary Courts, Article 159. See *Death*.
'Extortion' defined, Part I, clause (*e*) and Appendix No. I.
" of money or property, Article 41.
Failure to rejoin, Article 31.
" to attend parade, Article 32.
" to compensate person injured by subordinate, Article 43.
Fair, see *Disturbance*.
False alarm, intentionally occasioning, in time of war, Article 23.
" " in time of peace intentionally causing, Article 46.
" statement on oath or affirmation, Article 56.
" " obtaining pension or allowance by, Article 62.
" entry, obtaining pension by, *ib*.
" report, furnishing, Article 63.
" return, furnishing, *ib*.
Farriers, Articles apply to, Part I, clause (*d*), attestation of, Article 2.
Feigning disease or infirmity, Article 58.
Field work, refusing to superintend or assist in, Article 38.
Fine for breach of cantonment rule, Part III, clause (*c*).
" of Native follower for offence in breach of good order, Article 166.
Followers, Articles apply to, Part I, clause (*d*).

Followers offending against good order, Article 166.
Force, Officer commanding a, may appoint a Detachment Court Martial, Article 87.
See *Criminal Force.*
Forcing safe-guard in time of war, Article 22.
„ sentry, Article 27.
Forfeiture on dismissal, of claim to pension, Articles 3, 4.
„ of arrears of pay or allowances, Articles 57, 76, 78, 82, 85, 89, 94, 137.
„ on conviction of disgraceful conduct, Articles 136, 137.
„ of pay during imprisonment, Article 154.
„ of good conduct pay, Articles 76, 78, 82, 94, 136, 165.
Fraudulent misapplication of Government property, Articles 54, 61.
„ offence, Article 64.
'Fraudulently' defined, Part I, clause (*e*) and Appendix No. 1.
Funeral expenses of deceased to be discharged, Article 177.
Garrison Court Martial, conviction by, Article 57.
„ „ „ appointment of, Article 79.
„ „ „ composition of, Articles 81, 82.
„ „ „ powers of, Article 82.
„ „ „ may try desertion and disgraceful conduct, Article 95.
„ „ „ to be attended by a European Officer of not less than four years' service, Articles 101, 104.
„ „ „ may sentence to forfeiture of pay and pension, Article 136.
Garrison-orders, neglecting, Article 70.
General Court Martial may sentence Commissioned Officers to dismissal, Article 3.
„ „ „ its jurisdiction over persons, Articles 3, 4, 7, 71, 76.
„ „ „ its jurisdiction over offences, Articles 7—71, 76.
„ „ „ conviction by, Article 57.
„ „ „ appointment of, Article 73.
„ „ „ composition of, Articles 74, 101, 102.
„ „ „ when held under Order in Council, Article 75.
„ „ „ powers of, Articles 3, 4, 24, 53, 57, 66, 69, 70, 71, 76, 119, 130, 131, 132, 136, 137, 138, 139, 140.
„ „ „ to try mutiny, Article 95.
„ „ „ may try desertion and disgraceful conduct, *ib.*
„ „ „ to be attended by a Judge Advocate, Article 101.
„ „ „ procedure of, Articles 103—118, 120, 121, 141.
„ „ „ when it may pass sentence of death, Article 119.
„ „ „ may sentence Commissioned Officer to dismissal, suspension or degradation, Article 130.
„ „ „ may sentence to forfeiture of pay and pension, Article 136.
„ „ „ to have cognizance of non-military offences beyond limits of British India, Article 171.

General

General Court Martial, procedure of, in trial of such offences, Article 172.
" " " to be attended in such trials by Judge Advocate, *ib.*
" " " to award punishments in such cases in accordance with Indian Penal Code, Article 173.
" " " confirmation of sentences of, in such cases, Article 174.
" " " provisions as to persons sentenced by, for non-military offences, Article 175.
General Orders as to forfeiture of good conduct pay, Article 165.
Good conduct pay, forfeiture of, by sentence, Articles 76, 78, 82, 94, 136.
" " " forfeited on conviction of disgraceful conduct, Article 136.
" " " not necessarily forfeited by infliction of minor punishment, Article 165.
" " " forfeited on conviction by Court Martial, *ib.*
" " " forfeiture of, in addition to other minor punishment, *ib.*
Good order, and military discipline, offences against, Article 70.
" " breach of, by followers, Article 166.
Goods belonging to Government, embezzlement or fraudulent misapplication of, Articles 54, 61.
'Government' defined, Part I, clause (*e*).
" may order transfer to military custody, Article 153.
" notification from, releasing military prisoner, Article 160.
" not to give directions as to Courts Martial in places subject to another Government, Part III, clause (*i*).
See *Local Government.*
Government of Fort St. George or Bombay may order dismissal of Commissioned Officer, Article 3, or of any other person subject to the Articles, Article 4.
" " " " may authorize officer in actual command to appoint General, District or Garrison Courts Martial, Article 73, clause (*c*), Article 79, clause (*c*).
" " " " may direct that any Court Martial shall be composed of European Officers, Article 96.
" " " " may authorize any officer to appoint Courts Martial so composed, *ib.*
" " " " may authorize officer in actual command to dispose of sentences, Article 142, clause (*d*).
" " " " may order removal of prisoner to military custody or from one jail to another, Article 153.
" " " " may grant pardons for military offences, Article 160.
" " " " may extend Article providing for punishment of Native followers, Article 166.

Government

Government of Fort St. George or Bombay may make orders and issue warrants, Part III, clause (*h*).
" " " " may authorize officer empowered by order in Council to confirm, &c., sentences, to refer them for orders to Commander-in-Chief of the Presidency, Part III, clause (*h*).
Governor General in Council may order dismissal of Commissioned Officer, Article 3, or of any other person subject to the Articles, Article 4.
" " " may authorize officer in actual command to appoint General, District or Garrison Courts Martial, Article 73, clause (*c*), Article 79, clause (*c*).
" " " may authorize Commander-in-Chief in India to empower Officer commanding certain Native troops to appoint General, District or Garrison Courts Martial, Articles 73, clause (*d*), 79, clause (*c*).
" " " may direct that any Court Martial shall be composed of European Officers, Article 96.
" " " may authorize any Officer to appoint Courts Martial so composed, *ib.*
" " " may authorize officer in actual command to dispose of sentences, Article 142, clause (*d*).
" " " may order prisoner in jail to be transferred to military custody, or removed from one jail to another, Article 153.
" " " may grant pardons for military offences, Article 160.
" " " to sanction prescription of minor punishments, Article 165.
" " " may authorize Officer empowered by Order in Council to confirm, &c., sentences, to refer them for orders to Commander-in-Chief of Presidency, Part III, clause (*h*).
" " " may direct that Native troops serving out of their own presidency, shall remain subject to the Commander-in-Chief of such Presidency, Part III, clause (*g*).
" " " may make orders and issue warrants, Part III, clause (*h*).
" " " may make rules for guidance of officers, Part III, clause (*j*).
Grass-cutters, Articles apply to, Part I, clause (*d*).
" attestation of, Article 2.
Gratification, requiring or accepting, Article 45.
Grave offences, trial of, by Courts of inferior jurisdiction, Article 95.
'Grievous hurt' defined, Part I, clause (*e*) and Appendix No. 1.
" voluntarily causing, with intent to produce unfitness for service, Article 59.
Guard, plunder, destruction or injury by person on, Article 13.
" abandoning or delivering up, Article 14.
Hanging, Article 141.

Harbouring

Harbouring enemy, Article 17.
" deserters, Article 28.
Hard labour, commutation of sentence of, Article 148.
" for disgraceful conduct, publication of sentence of, Article 158.
Head-quarters, monthly returns of trials furnished to, Article 95
Hindú Officers, affirmation to be taken by, Articles 109, 112.
Hindús, their affirmation on enlistment, Article 1.
" at Court Martial, Articles 109, 111, 112.
Horse, making away with or losing, Article 47.
Hospital Assistants, Articles apply to, Part I, clause (*d*).
" " attestation of, Article 2.
" " guilty of unbecoming conduct, Article 25.
" " formation of Court for trial of, Article 81.
" " not triable by Summary Courts, Article 92.
" " sentences on, Article 131.
" " not triable by Court inferior to a District or Garrison Court Martial, *ib.*
" " commutation of sentence of dismissal on, Article 145.
" " confirmation of sentence on, Article 146.
" " not liable to minor punishment, Article 165.
Hospital attendants, Articles apply to, Part I, clause (*d*).
House-breaking in time of war, Article 22.
" " in time of peace, Article 42.
'Hurt' defined, Part I, clause (*e*) and Appendix No. 1.
" voluntarily causing, with intent to produce unfitness for service, Article 59.
Hyderabad Contingent, see *Officer Commanding Force not attached to a Presidency.*
Ignominy, dismissal with, Article 157.
Illegal omission, see *Abetment.*
Ill-treating subordinate, Article 40.
Ill-treatment, not causing reparation for, Article 43.
Impeding Provost Marshal, &c., Article 39.
Imprisonment for fourteen years, Articles 24, 76, 130, 143, 144.
" for three years, Article 57.
" may be inflicted by any Court Martial on any person below rank of warrant officer, Article 132.
" limit of, Article 133.
" sentence of, on offender already under sentence of imprisonment, Article 140.
" substituted for sentence of death, Article 143.
" substituted for sentence of transportation, Article 144.
" with hard labour, commutation of sentence of, Article 148.
" with hard labour, execution of sentence of, Article 151.
" forfeiture of pay and allowances during, Article 154.

Imprisonment of Native follower for offence in breach of good order, Article 166.
„ for breach of cantonment rules, Part III, clause (*e*).
Indecent offence, Article 65.
Infirmity, feigning, producing or aggravating, Article 58.
Injuring Government property, Article 55.
„ oneself or another, see *Hurt*.
Insolence to superior officer, Article 37.
Instigation, see *Abetment*.
Instruments, making away with, or losing, Article 47.
„ embezzlement or fraudulent misappropriation of Government, Articles 54, 61.
Insubordination to superior officer, Article 37.
„ in presence of Court Martial, Article 68.
Insulting religion, Article 44.
„ Court Martial, Article 68.
Interpreter to Courts Martial, appointment of, Article 102.
„ not to vote, Articles 102, 125.
„ oath to be taken by, Articles 108, 112.
„ oath to be administered by, Articles 109, 110, 112.
„ to attend Summary Court Martial, Article 125.
„ to make oath or affirmation at such Court, Article 127.
„ to sign proceedings of such Court when closed, *ib*.
Interruption to Court, Article 68.
Intoxication on duty, Article 26.
Inventory of effects of deceased, Article 176.
Jail, delivery of offender to officer in charge of, Articles 150, 151, 166.
„ Commander-in-Chief in India, or of any presidency, may direct offender to be imprisoned in any, Article 152.
„ release of prisoner by officer in charge of, Article 161.
'Judge Advocate' defined, Part I, clause (*e*), need not be appointed to General Court Martial appointed under Order in Council, Article 101.
„ to attend other General Courts Martial, and conduct proceedings, Article 101.
„ oath or affirmation of, Articles 110, 112.
„ may summon witnesses for General Court Martial, Article 122.
„ to attend General Courts Martial for trial of non-military offences, Article 172.
Judgment for debt, soldier's arms, &c., exempt from seizure in satisfaction of, Article 3, clause (*b*).
Junior Member of Court to vote first, Article 118.
Labourers, Articles apply to, Part I, clause (*d*).
Lascars, Articles apply to, Part I, clause (*d*).
„ attestation of, Article 2.
Leave, see *Absence, Overstaying*.
Limit of imprisonment, Articles 133, 140.
„ of solitary confinement, Article 134.

Limit

Limit of stoppages, Article 139.
Limitation of trials for military offences, Article 98.
" of powers of Government and Commander-in-Chief of a presidency, Part III, clause (*i*).
Line of march, drunkenness on, Article 26.
" " trial of offences committed on, Articles 85, 87, 89, 95, 129.
Local Government may give order as to transportation, Article 150.
" may order prisoner's transfer or removal, Article 153.
" may sentence Native followers to fine, imprisonment or corporal punishment, Article 166.
Loss of standing, Articles 76, 78, 82, 85, 89, 94, 130, clause (*d*), 131.
Magazine, sentry over, sleeping upon or quitting his post in time of war, Article 12.
Magistrate, witnesses not amenable to military authority to be summoned through, Article 122.
" persons not subject to Articles and committing contempts to be delivered to, Article 123.
" persons accused of non-military offences to be delivered to nearest, Article 170.
" suspected deserters to be brought before, Part III, clause (*d*).
Mahouts, Articles apply to, Part I, clause (*d*).
" attestation of, Article 2.
Maiming oneself or another, Article 59.
Malingering, Article 58.
Market, see *Disturbance.*
Medal, selling, pawning, destroying or defacing, Article 47.
Military guard, Native followers may be confined in, Article 166.
Military stores, embezzlement or fraudulent misappropriation of Government, Articles 54, 61.
Military work, refusal to aid in making, Article 38.
Minor punishments, Article 165.
Misbehaviour in presence of enemy, Article 19.
Mitigation of sentences of Courts Martial, Article 142, clause (*i*).
" of sentence of reduction and corporal punishment or imprisonment, Article 149.
Money, embezzlement or fraudulent misapplication of Government, Articles 54, 61.
" furnishing false return of, Article 63.
Musicians, Articles apply to, Part I, clause (*d*).
" attestation of, Article 2.
Musical instruments, making away with or losing, Article 47.
Mussulman officers, affirmation to be taken by, Articles 109, 112.
Mussulmans, affirmation of, on enlistment, Article 1, at Courts Martial, Articles 109, 111, 112.
Mutiny, beginning or concealing, Article 7.
" not triable by Summary Court Martial, Article 93.
" triable by General Court Martial, Article 95.
Native Commissioned Officers, dismissal of, Article 3.
" " persons not liable to trial by Courts composed of, Part I, clause (*d*), Article 92.

Native

Native Commissioned Officers, when General Court Martial may be composed of, Article 75.
" " triable only by General Court Martial, Articles 92, 130.
" " sentences on, Article 92.
" " not liable to minor punishments, Article 165.
Native Doctors, Articles apply to, Part I, clause (*d*).
" attestation of, Article 2.
" behaving unbecomingly, Article 25.
" District or Garrison Court Martial for trial of, Article 81.
" not triable by Summary Court Martial, Article 92.
" not triable save by General, District or Garrison Court Martial, sentences on, Article 131.
" commutation of sentence of dismissal on, Article 145.
" confirmation of sentence on, Article 146.
" not liable to minor punishment, Article 165.
Native followers committing breach of good order, Article 166.
Native Troops belonging to one presidency and serving in another, Part III, clause (*g*).
" not attached to presidency, see *Governor General in Council.*
Neglect of garrison or other orders, Article 70.
See *Failure.*
Non-Commissioned Officers, Articles apply to, Part I, clause (*d*).
" dismissal of, Articles 4, 5.
" reduction of, to ranks, Article 132.
" may be lowered in list, *ib.*
" to be sentenced to reduction to ranks before being sentenced to imprisonment or corporal punishment, Article 135.
Non-military offences, procedure in case of, Articles 170—175.
Notification of annulment, remission or pardon, Article 161.
Not rejoining, trial for, Articles 31, 115.
Oath of Sikhs reported fit for duty, Article 1.
" of interpreter, Articles 108, 112.
" of President and Members of Court Martial, Articles 109, 112.
" of interpreter at Summary Court Martial, Article 127.
" of Commanding Officer holding Summary Court Martial, *ib.*
Offences not specified, cognizable by Court Martial, Article 70.
Officer behaving in an unbecoming manner, Article 25.
" complaints against, Article 167.
Officer Commanding a Force not attached to a presidency
may dismiss any person other than a Commissioned Officer, Article 4.
may appoint General Court Martial when authorized by warrant, Article 73, clause (*e*).
may appoint Detachment Court Martial when authorized by warrant, Article 77, clause (*c*).

Officer

Officer Commanding a force not attached to a presidency
may appoint District and Garrison Courts Martial when authorized by warrant, Article 79, clause (*e*).
may appoint interpreters, Article 102.
may set aside trials by Summary Court Martial, Article 129.
sentences not to be carried out till confirmed by, Article 142, clause (*d*), Article 146.
may mitigate, remit, commute or annul sentences, Article 142, clause (*i*).
may commute sentence of dismissal on Commissioned Officers, &c., Article 145.
his powers as to prisoners and their removal or release, Articles 152, 161.
his confirmation of recommendation that person absent as prisoner of war shall receive arrears, Article 163.
may reduce Non-Commissioned Officers to ranks, Article 164.
Officer Commanding a Division or District
may appoint General Court Martial, when authorized by warrant, Article 73, clause (*d*).
may appoint Detachment General Court Martial when authorized by warrrant, Article 77, clause (*b*).
may appoint District Court Martial and Garrison Court Martial when authorized by warrant, Article 79, clause (*b*).
case of grave offence when to be submitted to orders of, Article 95.
to appoint interpreters, Article 102.
proceedings of Summary Court Martial to be forwarded to, Article 129.
sentences when not to be carried into effect unless disposed of by, Article 142, clause (*b*).
his power to mitigate, remit or annul sentences, Article 142, clause (*i*).
his power to commute sentence of dismissal on Commissioned Officers, &c., Article 145.
release of prisoners on receiving notification under hand of, Article 161.
Officer Commanding a Native Force when acting under an Order in Council
may appoint General Courts Martial, Article 73, clause (*c*).
may appoint District and Garrison Courts Martial, Article 79, clause(*c*).
to appoint interpreters to Courts Martial, Article 102.
sentences not to be carried into effect until disposed of by, Article 142, clause (*c*).
may mitigate, remit, commute or annul sentences, Article 142, clause (*i*).
may commute sentences of dismissal on Commissioned Officers, Article 144.
Officer Commanding a Force out of British India and not in allied territory
when he may appoint Detachment General Court Martial, Article 77.
may appoint interpreters to Courts Martial, Article 102.
sentences not to be carried into effect until confirmed by, Article 142, clause (*e*).
may mitigate, remit, commute or annul sentences, Article 142, clause (*i*).
may commute sentences of dismissal on Commissioned Officers, Article 145.
may convene General Court Martial for trial of non-military offences committed out of British India, Article 171.

Officer Commanding a Force out of Britsh India and not in allied territory
his confirmation of sentences of General Courts Martial, trial by non-military officers, Article 174.
Officer Commanding Troops in the Field
may appoint Provost Marshal, Article 168.
his orders to Provost Marshal as to corporal punishment, Article 169.
Officer Commanding a Regiment
to make usual declaration or charge to recruits, Article 1.
to furnish certificate to person dismissed or discharged, Article 6.
may appoint Regimental Court Martial, Article 83.
may appoint Summary Court Martial, Article 90.
may constitute Summary Court Martial, Article 91.
persons triable by him, Article 92.
when to refer to superior authority before holding Summary Court Martial, Article 93.
to submit for orders cases of trial of grave offences by inferior courts, Article 95.
when to order accused to be placed in arrest or confinement, Article 100.
may interpret at Summary Court Martial, Article 125.
his oath or affirmation at Summary Court Martial, Article 127.
to record previous convictions and general character of offender, Article 128.
to sign proceedings of Summary Court Martial, Article 129.
to confirm or otherwise dispose of sentences, Article 142, clauses (*f*), (*i*).
may execute sentences of a Summary Court Martial forthwith, Article 159.
to record declaration of Court of Enquiry as to an unauthorized absence from duty, Article 162.
his power to punish Native followers, Article 166.
to secure and cause inventory to be made of deceased's effects, Article 177.
remittal of surplus amount in hands of, Article 178.
to remit surplus proceeds of effects of deserters, Article 179.
to give written information of desertion, Part III, clause (*d*).
his application for apprehension and delivery of persons accused of military offences, Part III, clause (*e*).
Officer Commanding a Detachment, Station or detached Force
to furnish certificate to person dismissed or discharged, Article 6.
may appoint a Regimental Detachment Court Martial, Article 86.
may appoint a Detachment Court Martial, Article 87.
may appoint Summary Court Martial, Article 90.
may constitute Summary Court Martial, Article 91.
persons triable by him, Article 92.
offences triable by him, Article 93.
to submit for orders cases for trial of grave offences by inferior courts, Article 95.
when to order accused to be placed in arrest or confinement, Article 100.
when to appoint interpreter, Article 102.

Officer

Officer Commanding a Detachment, Station or detached Force
may be interpreter at Summary Court Martial, Article 125.
his oath or affirmation at Summary Court Martial, Article 127.
to record previous convictions and general character of offender, Article 128.
to confirm or otherwise dispose of sentences, Article 142, clauses (*g*), (*i*).
may carry into effect sentences of Summary Courts Martial forthwith, Article 159.
may punish offences of Native followers in breach of good order, Article 166.
to secure and cause inventory to be made of deceased's property, Article 176.
to sell deceased's effects and discharge his debts, Article 177.
to remit surplus proceeds of deceased's estate, Article 178.
to remit surplus of deserters' effects, Article 179.
his written application for apprehension and delivery of military offender, Part III, clause (*e*).
Officer Commanding at a post or on march
to cause reparation to be made to injured person, Article 43.
may punish offences of Native followers in breach of good order, Article 166.
Officiating Judge Advocate, see *Judge Advocate.*
Omission to give information of mutiny, Article 7.
" to inform superior officer of discovery of correspondence with enemy, Article 16.
" to give notice of a person having deserted, or of a deserter having been received, Article 28.
" of true statement, &c., obtaining pension or allowance by, Article 62.
" to make or send returns or reports, Article 63.
" to attend Court Martial as witness, Article 67.
" to prejudice of discipline, Article 70.
Order in Council, authorizing officers to appoint General Courts Martial held under, Articles 73, 75, 79, 80, 96, 97, 101, 104, 107, 119, 142, clause *(c)*.
See *Abetment.*
Order, Members of Court Martial are to preserve, Article 118.
Orders, neglecting, Article 70.
" power to make, Part III, clause (*h*).
Ordnance establishment, Summary Court Martial may be held by European Officer in charge of, Article 90.
Overstaying leave, Article 30.
" " procedure on trial for, Article 115.
Panchâyats, saving of regulations constituting and guiding, Part I, clause (*f*).
Panjâb Frontier Force, see *Officer Commanding Force not attached to a Presidency.*
Parade, intoxication on, Article 26.
" failing to appear at, Article 32.
" quitting without leave, Article 33.
Pardon, re-admission after, Article 156.

Pardon, grant of, Article 160.
Pawning medal or decoration, Article 47.
Pay and allowances, forfeiture of arrears of, Articles 57, 76, 78, 82, 85, 89, 94, 137.
" " forfeiture of, during confinement, Article 154.
" " prisoner of war during absence, not entitled to, Article 163.
Penal Code, abetment within meaning of, Article 71 and Appendix No. 2.
" procedure in case of offence against, in British India, Article 170.
" offences against, without British India, Articles 171—175.
" definitions from, Appendix No. 1.
Penal servitude, see *Transportation*.
Pension, claim to, forfeited on dismissal, Articles 3, 4.
" obtaining by false statement, &c., Article 62.
" forfeiture of claim to, Articles 76, 78, 82, 94.
" when forfeited on conviction of disgraceful conduct, Article 136.
" forfeited by person transported or imprisoned with hard labour, Article 156.
" re-admission to, on annulment of sentence, or pardon, *ib.*
" on discharge, forfeiture of, Article 136.
Permission to try grave offences by inferior Court Martial, Articles 85, clause (*b*), 95.
Place of trial for offences against Articles, Article 98.
Place of worship, defiling, Article 44.
Place of imprisonment, Article 152.
Plunder, leaving post or colours in time of war in search of, Article 20.
" breaking into house for, in time of war, Article 22.
Plundering fields, gardens or other property in time of war, Article 22.
" in time of peace, Article 42, see *Sentry*.
Police in cantonments, saving of regulations defining power of officer in charge of, Part I, clause (*f*).
Police may arrest persons suspected to be subject to Articles, travelling without certificate. Part III, clause (*d*).
" to take steps to capture deserter, Part III, clause (*d*).
Political authority to take steps to capture deserter, *ib.*
" officer to publish sentence for disgraceful conduct, Article 158.
Porterage, exacting, Article 41.
Present, requiring or accepting, Article 45.
President of Court Martial composed of European Officers, to conduct proceedings, Article 103.
" when to interpret, Article 102.
" senior officer to sit as, Article 103.
" death or absence of, *ib.*
" has a casting vote on minor points, Article 118.
Presumption of desertion, Article 114.
" as to signatures, Part III, clause (*f*).

Prevarication

Prevarication of witness, Article 67.
Prisoner, refusal to receive, Article 35.
„ unauthorized release of, *ib.*
„ suffering escape of, *ib.*
„ of war, arrears due to, Article 163.
„ „ service which may be reckoned by, *ib.*
See *State-prisoner.*
Privilege of witnesses, Article 124.
Procedure at trials by Court Martial, Articles 103—121.
Production of documents, Articles 67, 122.
Protecting enemy, Article 17.
Provisions, criminal force to persons bringing, Article 22.
„ exacting, Article 41.
„ embezzlement or fraudulent misappropriation of Government, Articles 54, 61.
Provost Marshal, impeding or refusing to assist, Article 39.
„ appointment of, Article 168.
„ duties and powers of, Article 169.
Publication of sentence and orders in cases of disgraceful conduct at offender's place of residence, Article 158.
Quitting in time of war, guard, picquet, party or patrol, Article 21.
„ parade without leave, Article 33.
„ division, regiment, &c., on line of march, *ib.*
„ in time of peace, guard, picquet or patrol, Article 34.
„ post without leave, see *Sentry.*
Reading Articles to recruits, Article 1.
„ to persons attested, Article 2.
„ at head of regiment, Part III, clause *(k)*.
„ names of President and Members of Court Martial, Article 107.
Re-admission, not of person transported or imprisoned, Article 156, except in case of illegal sentence or pardon, *ib.*
'Reason to believe' defined, Part I, clause (*e*) and Appendix No. 1.
„ that a person is a deserter, Article 29.
„ that property is stolen, Article 60.
„ that property was dishonestly misappropriated or converted, Article 61.
Re-assembly of Court Martial, time of, Article 106.
Receipt of Government property embezzled or fraudulently misapplied, Articles 54, 61.
„ of stolen property, Article 60.
„ of property dishonestly misappropriated or converted, Article 61.
Recommendation that prisoner of war should receive arrears and reckon service, Article 163.
Record in regimental books of declaration of Court of Enquiry, Article 162.
Recruits, Articles to apply to unattested, Part 1, clause (*d*).

Recruits, Articles to be read to, Article 1.
„ declaration or charge to be made to, *ib.*
„ affirmation to be made by, *ib.*
Reduction to ranks of Non-Commissioned Officer, Articles 132, 164.
„ „ to precede imprisonment or corporal punishment of Non-Commissioned Officer, Article 135.
„ „ ordered in commutation, Article 149.
Re-enlistment without having received discharge, Article 11.
Reference of sentence to Commander-in-Chief of Presidency, in cases tried under Orders in Council, Part III, clause (*h*).
„ in other cases, Articles 142, clauses (*a*), (*e*), 146, 163, 174.
„ before trial by Summary Court Martial, Article 93.
Refusal to receive prisoner, Article 35.
„ to superintend or assist in military work, Article 38.
„ to assist Provost Marshal or Assistant Provost Marshal, Article 39.
„ to attend, or be sworn, or answer questions, or produce documents before Court Martial, Article 67.
Regimental books, record in, in case of absence, Article 162.
Regimental necessaries, making away with or losing, Article 47.
Regimental Court of Enquiry in case of absence for two months, Article 162.
Regimental Court Martial, appointment of, Article 83.
„ „ composition of, Article 84.
„ „ powers of, Article 85.
„ „ to be attended by a European Officer of not less than four years' service, Article 101.
Regimental debts, payment of, Articles 177, 179.
Regimental Detachment Court Martial, appointment of, Article 86.
„ composition of, Article 88.
„ powers of, Article 89.
Regulations defining office and powers of Cantonment Magistrates, &c., saved, Part I, clause (*f*).
Rejoining regiment, failure in, Article 31.
Release of State prisoner, Article 18.
„ of prisoner without authority, Article 35.
„ „ by officer in charge of jail, Article 161.
Religious feelings, wounding, Article 44.
Remission of sentences of Courts Martial, Article 142, clauses (*e*), (*h*), (*i*).
„ of punishment by Government or Commander-in-Chief, Article 160.
Remittance to General Treasury of residue of deceased's effects, Article 178.
„ of residue of deserter's effects, Article 179.
Removal of prisoners, Articles 152, 153.
Repeal of Acts, Part I, clause (*c*).

Report

Report of ill-treatment, disturbance, &c., Article 43.
„ furnishing false, Article 63.
„ by Provost Marshal, Article 169.
Representative of deceased, residue to be paid to, Article 177.
Restoration to pardoned prisoner of advantage forfeited, Article 160.
„ to prisoner of war, Article 163.
Re-swearing Members of Court and witnesses, Article 113.
Retainer of Government property embezzled, &c., Articles 54, 61.
„ of stolen property, Article 60.
Retreat-beating, absence from camp after, Article 52.
Re-trial, bar of, Part III, clause (*a*).
Return, furnishing false, Article 63.
Revision of finding or sentence, Article 120.
Rigorous imprisonment, see *Hard labour*.
Riot, failure to make reparation for, or report of, Article 43.
Risáldár Major, precedence of, Article 105.
„ to take rank with Súbahdárs, *ib*.
Risáldárs, precedence of, *ib*.
Rules for guidance of Officers, power to make, Part III, clause (*j*).
Sale of effects of deceased, Article 177.
„ of deserter's effects, Article 179.
Sardár Bahádurs, precedence of, Article 105.
Sedition, Article 7.
Selling medal or decoration, Article 47.
Sending proceedings, Article 129.
Sentry, sleeping on post in time of war or alarm, Article 12.
„ quitting post without leave in time of war or alarm, *ib*.
„ plundering, destroying, or injuring property in his charge, Article 13.
„ striking or forcing, Article 27.
„ sleeping on post in time of peace, Article 50.
„ quitting post without leave in time of peace, *ib*.
'Service' defined, Part I, clause (*e*).
„ prisoner of war during absence not entitled to, Article 163.
See *Dismissal*.
Serving summons on witness, Article 122.
Setting aside trial by Summary Court Martial, Article 129.
„ by ordinary Court Martial, Article 142, clause (*i*).
Ship, trial of offences committed on board, Articles 85, 87, 129.
Shooting to death, sentence of, Article 141.
Short Title, Part I, clause (*a*).
Signature to certified extracts from Court Martial Books, Article 117.

Signature to proceedings of Summary Court Martial, Article 129.
„ presumption as to, Part III, clause (*b*).
Sleeping on post, see *Sentry*.
Soldiers, Articles apply to, Part I, clause (*d*).
„ defined, Part I, clause (*e*).
„ attestation of, Article 2.
„ not to be arrested for debt, Part III, clause (*b*).
Solitary confinement, limit of, Article 134.
State, see *Conspiracy*.
State prisoner, sentry over, sleeping upon, or quitting his post, Article 12.
„ unauthorizedly releasing, or aiding, or suffering escape of, Article 18.
Station, Officer Commanding, may appoint Detachment Court Martial, Article 87.
Stealing money or goods, Article 60.
Stoppages, sentence of, Articles 76, 78, 82, 85, 89, 94, 138.
„ on conviction of disgraceful conduct, Article 138.
„ extent of, Article 139.
Stores, furnishing false return of, Article 63.
Striking superior Officer, Article 8, or forcing a sentry, Article 27.
„ subordinate, Article 40, and see *Assault*.
„ off strength of regiment, corps or department, Article 155.
Súbahdár Major, precedence of, Article 105.
Sub-Assistant Surgeon, Articles apply to, Part I, clause (*d*).
„ attestation of, Article 2.
„ behaving unbecomingly, Article 25.
„ District or Garrison Court Martial for trial of, Articles 81, 82.
„ not triable by Summary Court Martial, Article 92.
„ not triable by Court inferior to District or Garrison Court Martial, Article 131.
„ sentences on, *ib.*
„ commutation of sentence of dismissal on, Article 145.
„ confirmation of sentence on, Article 146.
„ not liable to minor punishment, Article 165.
Subordinate, striking or otherwise ill-treating, Article 40.
Subsistence of prisoner, Article 154.
Suicide, attempting to commit, Article 48.
Summary Court Martial, who may hold, Article 90.
„ approval of sentence of, *ib.*
„ constitution of, Article 91.
„ persons triable by, Article 92.
„ offences punishable by, Article 93.
„ powers of, Article 94.

Summary Court Martial, to be attended by two other Commissioned Officers, Article 94.
" no challenge at, Article 107.
" persons to attend, Article 125.
" to be attended by an interpreter, Article 125.
" record of proceedings of, Article 126.
" oaths of Interpreter and Officer holding, Article 127.
" evidence taken before, Article 128.
" proceedings of, to be signed and forwarded to Officer Commanding Division or District, Article 129.
" sentence of, need not be confirmed, Article 142.
" execution of sentences of, Article 159.
" setting aside trial by, *ib.*
Summoning witnesses, Article 122.
Superintending Officer, Article 101.
" when to interpret, Article 102.
" affirmation to be taken by, Articles 110, 112.
Superintendents of Military Bázárs, saving of regulations defining office and powers of, Part I, clause (*f*).
Surgical instruments, making away with or losing, Article 47.
Suspension from rank, pay and allowances, sentence of, on Commissioned Officers, Articles 76, 130, clause (*d*).
" on Sub-Assistant Surgeon, Hospital Assistant, Native Doctor and Warrant Officer, Articles 76, 82, 131.
Sutlers, Articles apply to, Part I, clause (*d*).
Sword, see *Weapon.*
Syces, Articles apply to, Part I, clause (*d*).
" attestation of, Article 2.
Tattoo, see *Absence.*
Technical grounds, trial by Summary Court Martial not to be set aside on mere, Article 129.
Theft, committing, Article 60.
" defined, Appendix.
Time of trial by Court Martial, and adjournments, Article 106.
Tools, making away with or losing, Article 47.
" embezzlement or fraudulent misappropriation of Government, Articles 54, 61.
Treasure, sentry over, sleeping upon, or quitting his post, Article 12.
Translations of the Articles of War, Part III, clause (*k*).
Transportation, Articles 24, 76, 78, 130, clauses (*a*), (*d*).
" sentence of, on offender already under sentence, Article 140.
" substituted for sentence of death, Article 143.
" confirmation of sentence of, Article 144.

Transportation,

Transportation, penal servitude when substituted for, *ib.*
„ imprisonment substituted for, *ib.*
„ execution of sentence of, Article 150.
See *Re-admission.*
Trespass, not making reparation for, Article 43.
Trials, limitation of, Article 98.
„ place of, Article 99.
„ time of, Article 106.
„ adjournment of, *ib.*
„ proceedings in, under repealed Articles, Part I, clause (*e*).
Trumpeters, Articles apply to, Part I, clause (*d*).
„ attestation of, Article 2.
Unattested recruits, Articles apply to, Part I, clause (*d*).
Unbecoming behaviour, Article 25.
Unnatural offence, Article 65.
Violence to superior officer, Article 8.
„ to persons bringing provisions to camp in time of war, Article 22.
„ in presence of Court Martial, Article 68.
See *Assault.*
Voluntarily causing hurt, with intent to disqualify for service, Article 59.
Votes of Members of Court Martial how given, Article 118.
„ decision to be according to majority of, *ib.*
„ decision in case of equality of, *ib.*
„ majority of, requisite for sentence of death, Article 119.
Warrant authorizing Officer to appoint General Court Martial, Article 73, clauses (*c*), (*e*).
„ „ „ „ Detachment General Court Martial, Article 77, clause (*c*).
„ „ „ „ District or Garrison Court Martial, Article 79, clauses (*c*), (*e*).
„ of commitment, in cases of transportation or hard labour, Articles 150, 151.
„ for imprisonment of Native followers, Article 166.
„ for imprisonment for offences against cantonment rules, Part III, clause (*c*).
„ power to issue, Part III, clause (*h*).
„ to remain in force notwithstanding repeal, Part I, clause (*e*).
Warrant Officers, Articles apply to, Part I, clause (*d*).
„ attestation of, Article 2.
„ behaving unbecomingly, Article 25.
„ not triable by Summary Court Martial, Article 92.
„ may be dismissed, suspended, degraded or lowered in list, by General, District or Garrison Court Martial, Article 131.
„ dismissal of persons below rank of, Article 132.

Warrant

Warrant Officers, commutation of sentence of dismissal on, Article 145.
" confirmation of sentence on, Article 146.
" not liable to minor punishment, Article 165.
" Provost Marshal not to flog, Article 169.
" District or Garrison Court Martial for trial of, Articles 181, 182.
Watchword, betraying, Article 15.
Weapon, carrying offensive, Article 49.
Witnesses, forms of oath or affirmation of, Articles 111, 112, Part III, clause (*j*).
Work, see *Military Work*.
Wounding religious feelings, Article 44.
Wrongful gain, Article 64, defined, Appendix Part I.
" loss, *ib.*, defined, Appendix Part I.

Office Supdt. Govt. Printing.—No. 10848 L. C.—23-3-69.—3900.

ACT No. VI OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 5th March 1869.)

An Act to amend the Law relating to the Emigration of Native Labourers.

Preamble.

WHEREAS it is expedient to amend the law relating to the emigration of Native Labourers; It is hereby enacted as follows:—

Probable length of winter voyage from Madras to Reunion or Mauritius.

1. The probable length of the voyage from Madras to Reunion, Mauritius, or Seychelles shall, notwithstanding anything contained in Act No. XLVI of 1860 *(to authorize and regulate the emigration of Native Labourers to the French Colonies)* or Act No. XIII of 1864 *(to consolidate and amend the law relating to the emigration of Native Labourers)*, section eight, be deemed to be, between the months of November and March inclusive, six weeks.

Licensing of recruiters.

2. For section 24 of the said Act No. XIII of 1864 the following shall be substituted:—

Persons to license recruiters.

"24. The protector of emigrants at each of the three ports aforesaid and the British consular agent at each of the French Ports in India, shall license so many fit persons as shall to him seem necessary to be recruiters of labourers, and no person shall act or be employed as a recruiter of labourers except under a license from such Protector of Emigrants or British consular agent."

Refund of fee for emigration.

3. For section 31 of the said Act No. XIII of 1864 the following shall be substituted:—

Fee for emigration.

"31. For the registration of every emigrant, the recruiter shall pay to the Magistrate a fee of one rupee. On proof of the desertion of any emigrant before embarkation, the fee paid in respect

PRICE TWO ANNAS.

respect of such emigrant may be refunded by the Magistrate to the recruiter by whom it was paid, under such rules as shall from time to time be made in that behalf by the Governor General of India in Council."

Time of sailing for places west of Cape.

4. Notwithstanding anything contained in the same Act, section forty-five, the Local Government may, in cases of emergency, permit emigrants for any place west of the Cape of Good Hope to leave the port of Calcutta between the thirty-first day of July and the first day of April.

Increase of space allowed to adult emigrants.

5. Notwithstanding anything contained in the same Act, section forty-seven, no compartment in an emigrant ship shall take more than one adult emigrant for every twelve superficial feet on deck, and for every cubic space of seventy-two feet, or more than one child who shall have completed two and shall not have completed ten years of age for every eight superficial feet on deck.

Power to prohibit emigration.

6. Whenever the Governor General of India in Council or the Local Government has reason to believe that in any place to which emigration is lawful, the plague or other infectious disease dangerous to human life has broken out,

or that proper measures have not been taken for the protection of emigrants immediately upon their arrival in such place or during their residence therein,

or for their safe return to India,

or to provide a return-passage to India for any such emigrants at or about the time at which they are entitled to such return-passage,

the said Governor General in Council or the Local Government may, by notification published in the *Gazette of India* or the local Gazette (as the case may be), declare that emigration from British India or from the territories subject to the Local Government (as the case may be) to such place shall cease and be prohibited from a certain day to be specified in the notification.

Any notification issued by the Local Government under this section may be cancelled by order of the said Governor General in Council.

7. Notwithstanding

Power to relax rule as to proportion of women.

7. Notwithstanding anything contained in the said Act No. XIII of 1864, section sixty-three, or in any rules made or to be made by the Governor General of India in Council pursuant thereto, the Local Government may, in cases of emergency, permit any vessel carrying emigrants to leave the port of Calcutta, although the proportion of women embarked on board such vessel is not in accordance with the said rules.

"Magistrate of the District."

8. The third clause of section two of the same Act is hereby repealed, and the phrases "Magistrate of such District" and "Magistrate of the District," wherever they occur in such Act, shall be held to mean any officer exercising in such District the full powers of a Magistrate.

Vide Act No. VI (B.C.) of 1901.

Power to increase fees.

9. The Governor General of India in Council may, from time to time by notification in the *Gazette of India*, increase any fee payable under sections nineteen, twenty-seven and thirty-four of the said Act No. XIII of 1864, and may also in like manner reduce to its present amount any fee so increased: Provided that no fee shall be increased under this section by more than double such amount.

Repeal of Act XIII of 1864, sections 55, 56, 57, 80.

10. Sections fifty-five, fifty-six, fifty-seven and eighty of the said Act No. XIII of 1864, are hereby repealed.

Indemnification.

11. All persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such person in respect of anything so done.

Commencement of Act.

This section shall come into operation at once: section 2 shall be deemed to have come into operation on the eighteenth day of March 1864; and the rest of this Act shall come into operation on the first day of May 1869.

Office Supdt Govt Printing.—No 11806 L. C.—23-3-09—2,000

ACT No. VII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th March 1869.)

An Act to give validity to certain Rules relating to Forests in British Burma.

Preamble.

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865 *(to give effect to Rules for the management and preservation of Government Forests)*, and were confirmed by the Governor General of India in Council and published in the *Gazette of India* dated the twelfth day of August 1865; and whereas certain of the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules and to indemnify the officers and other persons who have acted under them; It is hereby enacted as follows:—

Validation of Burma Forest Rules.

1. The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865 shall, from such day down to the passing of this Act, be deemed to have had the force of law as regards all timber to which they purport to relate, and shall continue in force until the said Governor General in Council shall otherwise order.

Indemnification of officers.

2. All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 11573 C. G.—23-3-69.—2,600.

ACT No. VIII of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 12th March 1869).

An Act further to amend the Code of Criminal Procedure.

Preamble.

WHEREAS it is expedient further to amend the Code of Criminal Procedure; It is hereby enacted as follows:—

Short title.

I. This Act may be called "The Code of Criminal Procedure Amendment Act, 1869:" it shall be read with and taken as part of Act No. XXV of 1861, and it shall come into operation on the first day of June 1869.

Repeal of Acts.

II. The following Acts are hereby repealed (that is to say)—Act No. XXV of 1861 *(the Code of Criminal Procedure)*, sections 187, 386 and 420, Act No. XXXIII of 1861 (*to amend the schedule annexed to the Code of Criminal Procedure*), Act No. XV of 1862 (*to amend the Code of Criminal Procedure*) and Act No. VIII of 1866 *(further to amend the schedule to the Code of Criminal Procedure)*.

Repeal of schedule.

The schedule annexed to the said Code is hereby repealed, and the schedule annexed to this Act shall be read in lieu thereof.

Amendment of certain sections of Code of Criminal Procedure.

III. The following sections of the Code of Criminal Procedure, namely, sections 26, 27, 28, 29, 30, 31 and 33, shall be read as if the words "or division of a district," and the words "or divisions of a district" and the words "or of two or more divisions of a district" were omitted therefrom.

New sections.

IV. The said Code shall be read as if such of the following sections as are distinguished by numbers and letters were respectively inserted next after the sections of the said Code distinguished by those numbers.

Of

PRICE TWO RUPEES.

Repealed (the whole) by Act No X of 1872

Of the following sections, those distinguished by numbers only shall be substituted for the corresponding sections in the same Code, which are hereby repealed.

Local Government may delegate its power of appointing Magistrates.

23 A. With the sanction of the Governor General in Council, the Local Government may delegate, with such limitations as it may think proper, to any officer under its control, the power conferred by section 23.

Succession to vacancies in the office of the Magistrate of a District.

23 B. When, in consequence of the office of the Magistrate of a District becoming vacant, any officer succeeds temporarily to the chief executive administration of the District in criminal matters, such officer shall, pending the orders of the Local Government, exercise all the powers and perform all the duties of the Magistrate of the District.

Power to determine local jurisdiction of a Magistrate of a District.

23 C. The Local Government may, by notification in the official Gazette, prescribe the local jurisdiction of a Magistrate of the District, as defined by section 14, and may by such notification from time to time alter such jurisdiction.

Power to appoint Magistrates in charge of Divisions of Districts.

23 D. The Local Government may invest any Magistrate with the local jurisdiction in a particular part of a District declared by section 18 to be deemed a Division of a District, and may from time to time alter the limits of such local jurisdiction.

Continuance of powers of officers transferred.

23 E. Whenever any person holding an office in the service of Government, who has been invested with any powers under this Act in any District, is transferred to an equal or higher office of the same nature within another District, he shall, unless the Local Government shall otherwise direct, continue to exercise the same powers in the District to which he is so transferred.

Powers may be varied or cancelled.

23 F. The Local Government may vary or cancel any powers with which any person may have been invested under this Act.

Subordination of all Magistrates to the Magistrate of the District.

23 G. Except as otherwise provided in this Act or by any other law for the time being in force, all Magistrates and Subordinate Magistrates shall be subordinate to the Magistrate of the District in which they exercise jurisdiction.

23 H. The

Delegation of certain powers of the Magistrate of a District.

23 II. The Local Government may, with such limitations as it may think proper, invest any Magistrate in charge of a Division of a District or any officer exercising the full powers of a Magistrate, with the authority conferred on the Magistrate of the District by sections 36, 66, 132, 308, 316, 318.

Concealment, &c., of kidnapped person.

31 A. If any person be charged under section 368 of the Indian Penal Code, with the offence of wrongfully concealing or keeping in confinement a person who has been kidnapped or abducted, such offence may be enquired into or determined in any District in which the concealment or confinement has taken place, or in any District in which the kidnapping or abduction may be enquired into or determined.

Magistrate may withdraw any case from a subordinate Court, and try it himself or refer it to any other such Court.

36. The Magistrate of the District, or a Magistrate in charge of a Division of a District, may respectively withdraw any criminal case from any Court subordinate to him, and may enquire into or try the case himself, or refer it for enquiry or trial to any other such Court competent to enquire into or try the same.

Certain Subordinate Magistrates not to hear complaints against European British subjects.

40 A. No Subordinate Magistrate who is not a Justice of the Peace shall exercise the authority conferred by section 40, unless he is empowered under section 38.

Court may apply portion of fine in compensation for loss or damage.

44. Whenever a Criminal Court imposes a fine, the Court may order the whole or any part of the fine to be paid in compensation,

(1). for expenses properly incurred in the prosecution,

(2). for the offence complained of, where such offence can, in the opinion of the Court, be compensated by money.

Such payment shall be made as the Court thinks fit, to or for the benefit of the complainant, or the person injured, or both.

If the fine be awarded by a Court whose decision is subject to revision, the amount awarded shall not be paid until a period of two months shall have elapsed from the date of the award.

49 A. The

Power conferred under section 49 of the Code may be exercised by Inspector General of Jails.

49 A. The power conferred on the Local Government by section 49 may be exercised, under the orders and subject to the control of Government, by the Inspector General of Jails.

Levy of fine.

61. Whenever an offender is sentenced to pay a fine, the Court which sentences him, whether or not the offence be punishable with fine only, and whether or not the sentence direct that, in default of payment of the fine, the offender shall suffer imprisonment, may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the offender. Such warrant may be executed within the jurisdiction of the Court that issued it, and it shall authorise the distress and sale of any moveable property belonging to the offender without the jurisdiction of the said Court when endorsed by the Magistrate of the District in which such property is situated.

Local Government to define what Magistrates and Subordinate Magistrates shall be empowered to entertain complaints preferred directly to themselves or on report of Police officer.

66 A. The Local Government may, by notification in the official Gazette, define what Magistrates or Subordinate Magistrates shall entertain cases either on complaint preferred directly to themselves or on the report of a Police officer; and such Magistrates or Subordinate Magistrates shall be competent to entertain such cases, if the offence charged is triable by them or if they shall have been empowered under section 38.

Magistrate of District may invest any Magistrate or Subordinate Magistrate with powers described in section 66 A.

66 B. The Magistrate of the District may, subject to the orders of the Local Government, empower any Magistrate or Subordinate Magistrate in his District to entertain cases either on complaint preferred directly to themselves or on the report of a Police officer.

Summons by whom served.

70. A summons shall ordinarily be issued through a Police officer; but the Magistrate issuing the summons may, if he see fit, direct it to be served by any other person.

Provisions in this chapter relating to a summons and its issue applicable to all summonses.

75. The provisions relating to a summons and its service and issue contained in this chapter, shall be applicable to every summons issued under this Act, except summonses to serve as a juror or assessor:

Provided

Provided that, when the person summoned is in the service of Government or of any Railway Company, the Court or Magistrate issuing the summons may send the summons to the head of the office in which the person summoned is employed, and such head shall thereupon cause the summons to be served on the person named therein.

Warrants to whom directed.

77. A warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing a warrant may, if he see fit, direct it to any other person.

Warrants to be endorsed may be sent by post.

86. A Magistrate issuing a warrant for the arrest of a person out of his jurisdiction, may direct the warrant to any Magistrate within whose jurisdiction such person is, or is supposed to be, and may send the same by post.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon, and enforce its execution in the same manner as if the warrant had been originally issued by himself.

If the person named in the warrant be apprehended, he shall be carried before the Magistrate who endorsed it, and shall be dealt with by such Magistrate as provided in section 84.

Provisions in chapter V relating to a warrant and its issue applicable to all warrants.

99. The provisions relating to a warrant and its service and issue contained in this chapter shall be applicable to every warrant of arrest issued under this Act.

Search-warrant when grantable.

114. When a Magistrate considers that the production of anything is essential to the conduct of an enquiry into an offence known or suspected to have been committed, or when he considers that such enquiry will be furthered by the search or inspection of any house or place, he may grant his search-warrant, and the officer charged with the execution of such warrant may search any house or place within the jurisdiction of such Magistrate.

The Magistrate may, if he see fit, specify in his warrant the house or place, or part thereof, to which only the search or inspection shall extend, and the officer charged with the execution of such warrant shall then search only the house, place or part so specified.

115. A

115. A search-warrant shall ordinarily be directed to a Police officer, but the Magistrate issuing the warrant may, if he see fit, direct it to any other person.

Direction of search-warrant.

121. A Magistrate issuing a search-warrant to be executed in any house or place out of the jurisdiction of the Magistrate of the District, may direct the warrant to any Magistrate within whose jurisdiction such house or place is situate, and may send the same by post.

Magistrate may send search-warrant by post to the Magistrate of another District.

On receipt of the warrant by the Magistrate to whom it is directed, he shall endorse his name thereon and enforce its execution in the same manner as if it had been originally issued by himself.

Procedure to be observed by such Magistrate.

If the warrant is to be executed within the local limits of the High Court, it shall be addressed to the Commissioner of Police or to a Police Magistrate. In such case any property found on search made, may be dealt with as provided in sections 118 and 119

127. If the Magistrate of the District or a Magistrate in charge of a Division of a District, or any other officer exercising the powers of a Magistrate, upon information and after such enquiry as he may think necessary, has reason to believe that any house or other place is used as a place for the deposit or sale of stolen property, or for the deposit or sale or manufacture of forged documents or counterfeit Government stamps or counterfeit coin, or instruments or materials for counterfeiting coin or for forging,

Search of house suspected to contain stolen property or forged documents.

or that any forged documents or counterfeit stamps or false seals or any counterfeit coin, or instruments or materials used for counterfeiting coin, or for forging, are kept or deposited in any house or other place,

he may by his warrant authorize any Police officer above the rank of a constable to enter, with such assistance as may be required, and by force if necessary, any such house or other place, and to search all such parts of the same as are specified in the warrant, and to seize and take possession of any property, documents, stamps, seals, or coins therein found, which he may reasonably suspect

suspect to be stolen, forged, false, or counterfeit, and also of any such instruments and materials as aforesaid.

Procedure by Police officer upon seizure of property.

130. The seizure by any Police officer of property alleged or suspected to have been stolen, or of property seized by any Police officer under circumstances which create suspicion of the committal of any offence, shall be forthwith reported to a Magistrate, who shall thereupon make such order respecting the custody and production of the property as he shall think proper.

If the property is of a perishable nature, or if it appear to the Magistrate that its sale would be for the benefit of the owner, he may at any time direct it to be sold and shall hold the proceeds in trust for the owner subject to the provisions contained in sections 131 and 132 :

Provided that no Subordinate Magistrate of the Second Class shall exercise this power unless he is generally or specially authorized to do so by the Magistrate of the District.

Procedure where the owner is unknown.

131. When the owner of any such property is unknown, the Magistrate may detain the same, or the proceeds thereof if sold, and in case of such detention shall issue a proclamation specifying the articles of which such property consists or consisted, and requiring any person who may have a claim thereto or to the proceeds thereof to appear before him and establish his claim within six months from the date of such proclamation.

Procedure if no claimant appear within six months from date of proclamation.

132. If no person within such period establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of the Government, and may be sold under the orders of the Magistrate of the District, or if it has been already sold by the Magistrate, the proceeds shall be at the disposal of the Government.

Order for disposal of property.

132 A. When the trial in any Criminal Court is concluded. the Court at the time of passing judgment may pass such order as appears right for the disposal of any property produced before it regarding which any offence appears to have been committed.

132 B. Any

Stay of such order.

132B. Any Court of appeal, reference or revision may direct any such order passed by a Court subordinate thereto to be stayed, and may modify, alter or annul it.

Order may take form of reference.

132C. The order passed by any Court under section 132A or 132B may be in the form of a reference of the property to the Magistrate of the District, who shall in such cases deal with it as if he were acting under sections 130, 131 and 132 under the circumstances mentioned in section 130, and the seizure had been reported to him by the Police.

Police officers to make enquiry into certain offences only when directed to do so by Magistrate.

133. Except as provided in section 108, no Police officer shall, without an express order from a Magistrate, enquire into or take cognizance of any offence punishable under the Indian Penal Code, other than the offences described in column 3 of the schedule annexed to this Act, as offences for which a Police officer may arrest without warrant. But it shall be competent to a Magistrate, upon the report of a Police officer or otherwise, to direct enquiry to be made by a Police officer into any offence punishable under the Indian Penal Code or under any special or local law.

If officer in charge of Police station see no sufficient ground for an enquiry.

137. Provided also that, if it appear to the officer in charge of a Police station that there is no sufficient ground for entering on an enquiry, or that the immediate apprehension of the accused is not necessary for the ends of justice, he shall not proceed in the case, but shall report the substance of the complaint or information for the orders of the Magistrate having jurisdiction.

Procedure when a Police officer deputes another.

140. When any officer in charge of a Police station requires any officer subordinate to him to make, without a warrant, an arrest which may lawfully be made by such officer without a warrant, he shall deliver to the Police officer required to make the arrest an order in writing, specifying the person to be arrested, and the offence for which the arrest is to be made.

The provisions of sections 82, 90, 91, 92, 93, 94, 95 and 96 shall be applicable to every order in writing issued under this section.

150. Provided

150. Provided that, when any fact is deposed to in evidence as discovered in consequence of information received from a person accused of any offence or in the custody of a Police officer, so much of such information, whether it amounts to a confession or admission of guilt or not, as relates distinctly to the fact thereby discovered may be received in evidence.

So much of any statement or confession made by the accused as relates to a fact thereby discovered, may be given in evidence.

158. Every prosecutor and witness, whose attendance before the Magistrate is deemed necessary by the Police officer making the enquiry, shall execute a recognizance in the form (E) given in the Appendix hereto or to the like effect, for appearance before the Magistrate having jurisdiction in respect of the offence on a fixed day.

Prosecutors and witnesses to execute recognizances to appear before the Magistrate.

Such day shall be the day whereon the accused person is to appear, if he shall have been admitted to bail, or the day on which he may be expected to arrive at the Court of the Magistrate, if he is to be forwarded in custody.

The officer in whose presence the recognizance is executed, shall, after delivering to the prosecutor or one of the witnesses a duplicate thereof, send it with his report to the Magistrate.

No Police officer shall accompany the prosecutor or witnesses on his or their way to the Court of the Magistrate.

161. The officer in charge of a Police station, on receiving notice or information of the unnatural or sudden death of any person, shall immediately give intimation thereof to the nearest Magistrate, and proceed to the place where the body of such deceased person is, and there in the presence of two or more respectable inhabitants of the neighbourhood, shall make enquiry, and report the apparent cause of death, describing any mark of violence which may be found on the body, and stating in what manner or by what weapon or instrument such mark appears to have been inflicted.

Police to make immediate enquiry and report on unnatural and sudden deaths.

The report shall be signed by such Police officer and other persons or by so many of them as concur therein, and shall be forthwith forwarded to the Magistrate.

When

When there may be any doubt regarding the cause of death, such Police officer shall forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other medical officer appointed in this behalf by the Local Government if the state of the weather and the distance admit of its being so forwarded without risk of putrefaction on the road.

In the Presidencies of Madras and Bombay it shall be the duty of the head of the village to make the enquiry and report as aforesaid.

Discharge of an offender on his submission.

164. When any Court has adjudged an offender to punishment, or forwarded him to a Magistrate or Justice of the Peace for trial under section 163, for refusing or omitting to do anything which he was lawfully required to do, or for any intentional insult or interruption, the Court may discharge the offender, or remit the punishment, on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

Civil Courts empowered to complete investigation and commit accused to Court of Session.

173. In any case triable by the Court of Session exclusively, any Civil Court before which any such offence was committed may, instead of sending the case for investigation to a Magistrate, complete the investigation itself, and commit or hold to bail the accused person to take his trial before the Court of Session.

For the purposes of investigation under this section the Civil Court may exercise all the powers of a Magistrate.

Magistrate may issue his warrant.

179. When a complaint is made to the Magistrate of the District or any other officer exercising the powers of a Magistrate, or to any Subordinate Magistrate empowered to commit persons for trial before the Court of Session, that any person has committed, or is suspected to have committed, any offence triable exclusively by the Court of Session, or which, in the opinion of such Magistrate, ought to be tried by the Court of Session, such Magistrate may issue his warrant to arrest such person:

May issue a summons instead of a warrant.

Provided that, in any such case the Magistrate to whom such complaint is made may, if he thinks fit, instead of issuing in the first instance his warrant to arrest the accused person, issue his summons requiring him to appear to answer to such complaint.

185. When

185. When any person whose property has been declared to be at the disposal of Government under section 184 appears or is found within two years after the attachment of the property, and proves to the satisfaction of the Court trying him for the offence of which he was accused, or, if not tried or committed for trial for that offence, to the satisfaction of the Magistrate of the District, that he did not abscond or conceal himself for the purpose of evading justice, such property, or if the same has been sold, the proceeds thereof, shall be restored to him.

Restoration of property declared to be forfeited.

203. Except as provided in section 209 no influence, by means of any promise or threat or otherwise, shall be used to the accused person to induce him to disclose or withhold any matter within his knowledge.

No influence to be used to induce disclosures.

208. The provisions of sections 188 to 192 (both inclusive) shall be applicable to witnesses named in support of the defence, who may be summoned by the Magistrate.

Sections 188 to 192 to apply to witnesses for defence.

209. The Magistrate of the District or other officer exercising the powers of a Magistrate, and any Subordinate Magistrate duly empowered under section 26, recording his reason for so doing, may tender a pardon to any one or more of the persons supposed to have been directly or indirectly concerned in or privy to any offence specified in column 7 of the schedule hereto annexed as triable by the Court of Session, on condition of his or their making a full, true, and fair disclosure of the whole of the circumstances within his or their knowledge relative to the crime committed, and every other person concerned in the perpetration thereof.

Magistrate may tender pardon to accomplice.

If any person accepts a tender of pardon under this section, he shall be examined as a witness in the case under the rules applicable to the examination of witnesses.

Such person, if not on bail, may, if the Magistrate or other officer as aforesaid thinks proper, be detained in custody pending the termination of the trial.

210. The High Court as a Court of reference, in cases tried with the aid of assessors, and the Court of Session, after committal but before the commencement of a trial, may, with the view of obtaining on the trial the evidence of any person or persons supposed

High Court or Court of Session may direct tender of pardon.

supposed to have been directly or indirectly concerned in or privy to any such offence, instruct the Magistrate to tender a pardon on the same condition to such person or persons.

The Court of Session in like manner and on the same condition may, at any time during a trial, with the view of obtaining on the trial the evidence of any person or persons supposed to have been directly or indirectly concerned in or privy to any such offence, tender a pardon to such person or persons.

When High Court or Court of Session may direct the commitment of a person to whom a pardon may have been tendered.

211. When a pardon has been tendered under section 209 or section 210, if it appears to the Magistrate before the committal or to the Court of Session at the time of trial, or to the High Court as a Court of reference, that any person who has accepted an offer of pardon has not conformed to the conditions under which the pardon was tendered, either by wilfully concealing anything essential, or by giving false evidence or information, such Magistrate or Court may commit or direct the commitment of such person for trial for the offence in respect of which the pardon was so tendered.

In what cases the powers given by sections 219, 220 may be exercised.

221. The powers given by sections 219 and 220 may be exercised by every Criminal Court in every case in which a personal recognizance or bail has been given for the appearance of a party or witness, if default is made by the non-appearance of such party or witness before such Court according to the conditions of such recognizance or bail:

Provided that the Magistrate or Court may at his or its discretion remit any portion of the penalty mentioned in the personal recognizance or in the recognizance of the surety or sureties, and enforce payment in part only:

All orders passed by any Magistrate under this section or section 219 or section 220 shall be subject to revision by the Magistrate of the District.

Warrant of commitment how to be directed, &c.

222. Every warrant for the commitment of a person to custody shall be in writing and signed and sealed by the Judge or Magistrate who issues it, and shall be directed to some jailor, or other officer or person having authority to receive and keep prisoners, and shall be in the form (C) given in the appendix to the said Code or to the like effect.

226A. When,

When accused appears to have been insane.

226 A. When, from the evidence given before a Magistrate, there appears to be sufficient ground for believing that the accused person committed an act which if he had been of sound mind would have been an offence triable exclusively by the Court of Session, and that he was at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act charged, or that he was doing what was wrong or contrary to law, he shall be sent for trial by the Magistrate before the Court of Session:

If the Magistrate is a Justice of the Peace and the accused person is a European British subject, such person shall be sent for trial before the High Court.

Cases in which Magistrate may issue a warrant.

248. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed, or is suspected to have committed, any offence triable by such Magistrate and punishable with imprisonment for a period exceeding six months, such Magistrate may issue his warrant to arrest such person:

Summons instead of warrant.

Provided that in any such case the Magistrate to whom the complaint is made may, for any sufficient reason, instead of issuing his warrant in the first instance, issue his summons, requiring the person complained against to appear to answer to such complaint.

Issue of process, &c.

249. The provisions of sections 180 to 206 (both inclusive) and of sections 212 to 221 (both inclusive) and of section 224 shall be applicable to cases tried under this chapter:

On completing the examination of a witness under this section, the Magistrate, in addition to the memorandum required by section 199, shall record such remarks as he may think material respecting the demeanour of any witness while under examination.

Cases in which summons shall issue.

257. When a complaint is made before a Magistrate having jurisdiction in the case, that any person has committed or is suspected to have committed any offence triable by such Magistrate and punishable with fine only, or with imprisonment for a period not exceeding six months, the Magistrate may issue his summons directed to such person, requiring

requiring him to appear at a certain time and place before such Magistrate to answer to the complaint :

When warrant may issue.

Provided that, if the Magistrate is satisfied or has reason to believe that the accused person is about to abscond, he may, instead of issuing a summons, issue his warrant in the first instance for the arrest of such person.

Examination of accused.

262 A. The Magistrate may examine the accused person subject to the provisions of sections 202, 203, 204 and 205.

Compensation in cases of frivolous or vexatious complaints.

270. Whenever the Magistrate dismisses the complaint as frivolous or vexatious, he may, in his discretion, by his order of dismissal, award that the complainant shall pay to the accused person such compensation, not exceeding fifty rupees, as to such Magistrate seems just and reasonable :

In such cases, if more persons than one are accused, the Magistrate may in like manner award compensation not exceeding fifty rupees to each of them :

Recovery of such compensation.

The sum so awarded shall be recoverable by distress and sale of the moveable property belonging to the complainant, which may be found within the jurisdiction of the Magistrate of the District, and in default of such distress, by imprisonment of the complainant in the civil jail, for any time not exceeding thirty days, unless such sum shall be sooner paid.

Procedure of Subordinate Magistrate in cases beyond his jurisdiction.

276. If, in the course of a trial before a Subordinate Magistrate, the evidence appears to him to warrant a presumption that the accused person has been guilty of an offence which such Magistrate is not competent to try, or for which he is not competent to commit the accused person for trial, he shall stay proceedings and submit the case to the Magistrate to whom he is subordinate, or to such other Magistrate having jurisdiction as the Magistrate of the District may direct :

The Magistrate to whom the case is submitted shall either try the case himself or refer it to any officer subordinate to him having jurisdiction, or he may commit the accused person for trial :

In

In any such case, such Magistrate or other officer as aforesaid shall examine the parties and witnesses, and shall proceed in all respects as if no proceedings had been held in any other Court:

But any statement or confession duly made by an accused person in the course of the trial before the Subordinate Magistrate shall be admissible as evidence.

Personal recognizance to keep the peace in cases of conviction.

280. Whenever a person charged with rioting, assault, or other breach of the peace, or with abetting the same, or with assembling armed men or taking other unlawful measures with the evident intention of committing the same, is convicted of such charge before any Court of Session or the Magistrate of the District or a Magistrate in charge of a Division of a District or other officer exercising the powers of a Magistrate,

and the Court or Magistrate or other officer as aforesaid by which or by whom the accused person is convicted, or the Court or Magistrate or other officer as aforesaid by which or by whom the final sentence or order in the case is passed, is of opinion that it is just and necessary to require a personal recognizance for keeping the peace from the person so convicted,

the Court or Magistrate or other officer as aforesaid so convicting the accused person, or so passing the final sentence or order as aforesaid, may, in addition, direct that the person so convicted be required to execute a formal engagement, in a sum proportionate to his condition in life and the circumstances of the case, for keeping the peace during such period as it may appear proper to fix in each instance, not exceeding one year if the sentence or order be passed by a Magistrate, or three years if the sentence or final order be passed by a Court of Session:

If the accused person be sentenced to imprisonment, the period for which he may be required to execute a recognizance shall commence when he is released.

Where the convicting officer has not the powers of a Magistrate.

When any accused person is convicted of any offence specified in this section by an officer not exercising the powers of a Magistrate, such officer, if he consider it just and necessary to require a personal recognizance for keeping the peace from the person so convicted, shall report the case to the Magistrate of

of the District, or other officer exercising the powers of a Magistrate to whom such officer may be subordinate, who shall deal with the case as if the conviction had been before himself.

Magistrate may order removal of nuisances.

308. Whenever the Magistrate of a District or of a Division of a District, considers that any unlawful obstruction or nuisance should be removed from any thoroughfare or public place,

or that any trade or occupation, by reason of its being injurious to the health or comfort of the community, should be suppressed or should be removed to a different place,

or that the construction of any building or the disposal of any combustible substance, as likely to occasion conflagration, should be prevented,

or that any building is in such a state of weakness that it is likely to fall, and thereby cause injury to persons passing by, and that its removal in consequence is necessary,

or that any tank or well adjacent to any public thoroughfare should be fenced in such a manner as to prevent danger arising to the public—

he may issue an order to the person causing such obstruction or nuisance, or carrying on such trade or occupation, or being the owner or in possession of, or having control over, such building, substance, tank, or well as aforesaid, calling on him, within a time to be fixed in the order,

to remove such obstruction or nuisance,

or to suppress or remove such trade or occupation,

or to stop the construction of such building,

or to remove it,

or to alter the disposal of such substance,

or to fence such tank or well

(as the case may be),

or to appear before himself or some other officer exercising the powers of a Magistrate or of a Subordinate Magistrate of the First Class within the time mentioned in the order, and show cause why such order should not be enforced.

310. The

310. The person to whom such order is issued shall be bound, within the time specified in the order, to obey the same or to appear before the Magistrate before whom he was required by the order to appear to show cause as aforesaid, or he may apply to such Magistrate for an order for a jury to be appointed to try whether the order is reasonable and proper.

Person ordered shall obey, or may claim a jury.

On receiving such application, the Magistrate shall forthwith appoint a jury consisting of an odd number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant:

Constitution of jury.

The execution of the order shall be suspended pending such enquiry, and the Magistrate who issued the order shall be guided by the decision of the jury, which shall be according to the opinion of the majority:

Suspension of order.

If the applicant, by neglect or otherwise, prevents the appointment of a jury, or if from any cause the jury so appointed does not decide and report within a reasonable time to be fixed in the order for the appointment, their functions shall cease from the date of the expiration of such period, unless they be continued by special order of the Magistrate:

Procedure in case of non-appointment of or neglect by jury.

If from any of the above causes no decision be made by the jury, the order of the Magistrate may be carried into effect as hereinafter provided.

Procedure in case of disobedience or neglect by person ordered.

311. If the person to whom the order mentioned in section 308 is issued does not obey such order,

or show cause against the same as hereinafter provided,

or apply for a jury within the time specified in such order,

he shall be liable to the penalty prescribed in that behalf in section 188 of the Indian Penal Code;

and the Magistrate who issued such order may proceed to carry it into execution at the expense of such person, and may realize such expenses either by the sale of any building, goods, or other property removed by his order, or by the distress and sale of the moveable property of the person aforesaid.

No

No suit shall lie in respect of anything necessarily or reasonably done to give effect to such order.

Procedure where jury finds Magistrate's order to be reasonable.

312. If in a case referred to a jury, the jury find that the order of the Magistrate is reasonable and proper, the Magistrate who issued the order shall give notice of such finding to the person to whom the order was issued, and shall add to such notice an order to obey the order first mentioned within a time to be fixed in the notice and an intimation that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Indian Penal Code.

If such latter order is not obeyed, the Magistrate may proceed as in section 311.

Procedure where person ordered satisfies Magistrate that the order is not reasonable.

313. If the person to whom the order of the Magistrate is issued appears and shows cause against it, so as to satisfy the Magistrate who issued it that it is not reasonable and proper, no further proceedings shall be taken in the case.

Injunction pending enquiry by jury.

314. If, pending the enquiry by a jury, the Magistrate that issued the order considers that immediate measures are necessary to be taken to prevent imminent danger or injury of a serious kind to the public, he may issue such an injunction to the person mentioned in that behalf in section 308 as is required to obviate or prevent such danger or injury.

In default of such person forthwith taking all necessary measures ordered to be taken by such injunction, the Magistrate may himself use or cause to be used such means as may be necessary to obviate such danger or to prevent such injury.

No suit shall lie in respect of anything necessarily or reasonably done for that purpose.

Local Government may order trials before Court of Session to be by jury.

322. The Local Government may order that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any district, and such Local Government may from time to time revoke or alter such order.

The Local Government may also, if it see fit, direct that, in any district or in any class of offences, the jurors shall, before the trial, be sworn in such form as the Government may prescribe.

Orders

Orders passed under this section shall be published in the Government Gazette, and in such other manner as the Local Government shall from time to time direct.

Revision of list.

331. The Collector or other officer as aforesaid shall, at the time and place mentioned in the notice, revise the list and hear the objections (if any) of persons interested in the amendment thereof, and shall strike out the name of any person not qualified in his judgment to serve as a juror or as an assessor, or who may avail himself of the exemption from service given by section 335, and insert the name of any person omitted from the list whom he deems qualified for such service.

A copy of the revised list shall be signed by the Collector or other officer as aforesaid and sent to the Court of Session.

Any order of the Collector or other officer as aforesaid in preparing and revising the list shall be final.

Refusal to plead, or plea of claim.

363. If the accused person refuses to plead, or claims to be tried, the Court shall proceed to choose jurors or select assessors and to try the case.

Dying declaration.

371. The declaration of a deceased person, whether it be reduced to writing or not and whether it be made in the presence of the accused person or not, may be given in evidence if the deceased person at the time of making such declaration believed himself to be in danger of approaching death, although he entertained at the time of making it hopes of recovery.

Defence.

372. When the case for the prosecution has been brought to a close, the Court may, if it considers that there are no grounds for proceeding with the trial, record a judgment of acquittal; otherwise the accused person shall be called upon to enter upon his defence, and to produce his evidence.

When accused person may be examined.

373. The Court, at the close of the case for the prosecution, and at the close of the evidence on behalf of the accused person (if he produces any evidence), may put any questions to the accused person which it may think proper.

It

It shall be in the option of the accused person to answer such questions, and after such questions shall have been answered by the accused person, he or his counsel or agent may address the Court on the subject thereof.

The provisions of section 204 shall apply to examinations under this section.

When accused may address the Court.

374. The accused person or his counsel or agent may, at his option address the Court at the close of the case for the prosecution, or at the close of any evidence that may be adduced on his behalf.

Withdrawal of remaining charges on conviction on one of several charges.

379A. In trials before a Court of Session, when more charges than one are preferred against the same person, and when a conviction has been had on one or more of them, the Government pleader or other officer conducting the prosecution may with the consent of the Court withdraw, or the Court of its own accord may suspend, the enquiry into the remaining charge or charges.

Rules of evidence.

380A. The rules contained in sections 367, 368, 369, 370 and 371, shall be applicable to all trials and enquiries before Criminal Courts.

Execution of sentence of Court in cases referred to the High Court for confirmation of sentence.

383. In cases referred by the Court of Session for the confirmation of a sentence by the High Court, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order under the seal of the High Court, and attested with his official signature, to the Court of Session.

Such Court shall, if the sentence be confirmed, immediately issue a warrant to the officer in charge of the jail in which the prisoner is confined to cause the sentence or order to be carried into execution; or in the case of any other order, shall cause such order to be carried into effect.

Court of Session to send copy of finding and sentence to District Magistrate.

384. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence to the Magistrate of the District in which the trial was held.

If

If the accused person is sentenced to imprisonment, the Court shall forthwith forward him with a warrant for the execution of the sentence to the officer in charge of the jail of the district in which the trial was held.

The warrant shall state the offence of which the accused person has been convicted and the period during which he is to be imprisoned and the nature of the imprisonment.

Procedure after sentence passed by Court inferior to Session Court.

In cases tried by any Court inferior to a Court of Session, the Court passing the sentence shall forthwith forward the accused person with a similar warrant for the execution of the sentence to the officer in charge of the jail of the district in which the trial was held.

Execution of sentence under section 383 or 384.

385. Upon the receipt of a warrant under section 383 or 384, the officer in charge of the jail shall cause the sentence to be executed, and shall return the warrant when the sentence has been fully executed, to the Court from which it issued, with an endorsement under his signature, certifying the manner in which the sentence has been executed.

Lunatic prisoners to be visited.

395. *Clause* 1.—When any person is confined under the provisions of section 390 or section 394, the officer in charge of the jail, if such person is confined in a jail, or the visitors of the Lunatic Asylums or any two of them, if he is confined in a Lunatic Asylum, may visit him in order to ascertain his state of mind; and he shall be visited once at least in every three months by such officer in charge of the jail or by two of such visitors as aforesaid, who shall make a special report to the Local Government as to his state of mind.

Procedure where lunatic prisoner is certified to be capable of making his defence.

Clause 2.—If such person is confined under section 390, and such officer or visitors as aforesaid shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court of Session, as the case may be, at such time as such Magistrate or Court of Session shall appoint; and such Magistrate or Court shall deal with such person under the provisions of section 392, and the certificate of such officer or visitors as aforesaid shall be receivable as evidence.

Clause 3.—If

Clause 3.—If such person is confined under the provisions of section 394, and such officer or visitors as aforesaid shall certify that, in his or their judgment, he may be discharged without danger of his doing injury to himself or to any other person, the Local Government shall thereupon either order his discharge or order him to be transferred to a public Lunatic Asylum if he has not been already sent to such an Asylum, and shall appoint a commission consisting of a judicial officer not below the grade of a Sessions Judge, and two medical officers whereof the chief medical officer attached to the Lunatic Asylum shall be one. The said commission shall make formal enquiry into the state of mind of such person, taking such evidence as shall be necessary; and if they consider that he can be set at liberty without danger to himself or to any other person, he shall be discharged.

Procedure where lunatic confined under section 394 is declared capable of being discharged.

406. Whenever a case is revised by the High Court under this chapter, it shall certify its decision or order to the Court in which the conviction was had or by which the order was passed; or, if the conviction or order was passed by a Magistrate other than the Magistrate of the District, to the Magistrate of the District.

Proceedings of a case revised by High Court to be certified to Court in which conviction was had.

The Court or Magistrate to which the High Court certifies its order shall thereupon make such orders as are conformable to the decision of the High Court, and if necessary the record shall be amended in accordance therewith:

Provided that, in any case revised by the High Court under this chapter, the High Court shall not reverse the verdict of the jury, or, except as provided in this chapter, alter or reverse the sentence or order of the Court below.

Proviso.

409. Any person convicted on a trial held by the Magistrate of the District or other officer exercising the powers of a Magistrate, or required by such Magistrate or other officer under section 295 or section 296 to give security for good behaviour, may appeal to the Court of Session of the District.

Appeals from Magistrates.

413. Any person convicted by any Civil, Criminal or Revenue Court under chapter X of this Act may appeal to the Court to which decrees or orders made in such Court are ordinarily appealable, subject to the rules provided in sections 416, 417, 418, 419, 420, 421 and 422

Appeals from orders under chapter X.

Petitions

Petitions of appeal under this section, if presented to any District Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as last aforesaid.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Period for presenting petitions of appeal.

415. Petitions of appeal to any Appellate Court, except the High Court, must be presented within thirty days from the day on which the sentence or order appealed against is passed.

Petitions of appeal to the High Court must be presented within sixty days calculated as above.

An appeal may be admitted after the time herein provided on sufficient cause shown.

Appellate Court may suspend sentence pending appeal, and release defendant on bail.

421. In any case in which an appeal is allowed, the Appellate Court may, pending the appeal, order that the sentence be suspended, and if the appellant be in confinement for an offence which is bailable, may order that he be released on bail ; and the High Court may exercise the same authority in cases coming before it as a Court of revision.

Appellate Court may direct further enquiry, &c.

422. In any case in which an appeal has been allowed, the Appellate Court, if it think further enquiry or additional evidence upon any point bearing upon the guilt or innocence of the appellant to be necessary, may direct such enquiry to be made and additional evidence to be taken.

The result of the further enquiry and the additional evidence shall be certified to the Appellate Court, and the Appellate Court shall thereupon proceed to dispose of the appeal in the manner prescribed by section 419.

Unless the Appellate Court otherwise direct the presence of the appellant may be dispensed with when the further enquiry is made or evidence taken.

The

The provisions of chapter XII relating to summoning and enforcing the attendance of witnesses and their examination shall, so far as may be, apply to witnesses examined under this section.

Court of appeal how to proceed in case of conviction by a Court not having jurisdiction.

427. When any Court has convicted a person of an offence not triable by such Court, the Appellate Court may annul the conviction and sentence of such Court, and direct the trial of the case by a Court of competent jurisdiction.

Right of accused to be defended by counsel.

432. Every person charged before any Criminal Court with an offence may of right be defended by any barrister or attorney of a High Court, or by any pleader duly qualified under the provisions of Act No. XX of 1865, or any other law in force for the time being relating to pleaders. Provided that any such person may with the permission of the Court (but not otherwise) employ any other person not being a barrister, attorney or pleader to assist him in his defence.

When Court of Session may order commitment of person discharged by Magistrate.

435. In the case of offences specified in the seventh column of the schedule to this Act annexed as triable by the Court of Session only or by the Court of Session or Magistrate of the District, the Court of Session may order the commitment of any accused person who may have been discharged by any Magistrate. In the case of such offences the Court of Session may order an enquiry into any complaint which any Magistrate may have dismissed without enquiry.

In the case of such offences the Magistrate of the District shall have like powers where the Magistrate who has discharged the accused person or dismissed the complaint without enquiry is a Subordinate Magistrate.

If the Court of Session consider that any person convicted by a Magistrate has committed an offence not triable by such Magistrate, it may annul the conviction and sentence and direct the commitment of the accused person for trial before itself.

Expenses of prosecutors and witnesses.

438. Subject to any rules that may be passed by the Local Government with the previous sanction of the Governor General of India in Council, the Criminal Courts may order payment on the part of Government of the reasonable expenses of any complainant or witness attending for the purpose of any trial before such Court under this Act.

440. A copy of the final sentence or order passed by any Criminal Court together with the reasons for passing or making the same shall be furnished without delay on the application of any party to the case in which such sentence or order was passed.

Copy of sentence or order to be furnished on application.

Such copy shall be made at the expense of the person applying for it, unless he is in confinement under the sentence or order and is desirous of appealing against the same, or unless the Court for any special reason sees fit to grant such copy free of expense.

445A. When under the provisions of section 445 this Act has been or shall be extended to any part of the territories not subject to the general Regulations of Bengal, Madras or Bombay, the Governor General in Council or the Local Government of such territory may invest the chief officer charged with the executive administration of a district in criminal matters, by whatever designation such officer is called, with power to try all offences not punishable with death, and under the provisions of the said Code to pass sentence of imprisonment of either description for a term not exceeding seven years, including such solitary confinement as is authorized by law, or fine or both.

Extension of Code of Criminal Procedure.

445B. Such chief officer shall try as a Court of Session offences which, under the schedule hereto annexed, are triable by a Court of Session only, and in such trials shall be guided by the rules contained in chapter XXV of this Code.

Procedure in cases triable by the Court of Session.

445C. Any person convicted on a trial held by any officer invested with the power described in section 445A may appeal to the High Court, and no appeal against such conviction shall lie to the Court of Session.

Appeals.

445D. When the High Court of reference, revision or appeal in any part of the territories to which this Code has been or shall be extended as aforesaid, consists of a single Judge, he shall have all the powers of two or more Judges of the Sadr Court under sections 398 and 401.

When High Court consists of one Judge.

SCHEDULE.

Explanatory Notes.—1*st.*—The entries in the 2nd and 6th columns of the schedule, headed respectively "Offence" and "Punishment under the Indian Penal Code," are not intended as definitions of the offences and punishments described in the several corresponding sections of the Indian Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the 1st column.

2*nd.*—The term "Whether bailable or not," in column 5, is to be taken in connection with the provisions of sections 212 and 213 of this Code.

3*rd.*—Offences may be tried by a Court superior to the Court specifically mentioned in column 7. For example, a Court of Session may try an offence entered in column 7 as triable by a Magistrate.

4*th.*—The words "Magistrate of the District," as used in column 7, shall include any officer exercising the powers of a Magistrate.

5*th.*—The words "any Magistrate," as used in column 7, shall include any Subordinate Magistrate of the 1st or 2nd Class.

6*th.*—In the territories in British India to which the General Regulations of Bengal, Madras and Bombay do not extend, the powers given by this Act shall be exercised by such officers as the Local Government of those territories respectively shall appoint.

7*th.*—The last part of this schedule headed "Offences against other Laws" shall not be taken to alter or affect any special provision contained in such laws regarding the procedure to be followed in the case of offences made punishable thereby.

CHAPTER V—OF ABETMENT.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	The same punishment as for the offence abetted.	By the Court by which the offence abetted is triable.
110	Abetment of any offence if the person abetted does the act with a different intention from that of the abettor.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
111	When one act is abetted and a different act is done, subject to the proviso.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence intended to be abetted.	Ditto.
113	When an effect is caused by the act abetted different from that intended by the abettor.	Ditto ...	Ditto ...	Ditto ...	The same punishment as for the offence committed.	Ditto.
114	If abettor is present when offence is committed.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
115	Abetment of an offence punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years and fine.	Ditto.
	If an act which causes harm be done in consequence of the abetment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years and fine.	Ditto.

CHAPTER V—OF ABETMENT *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
116	Abetment of an offence punishable with imprisonment, if the offence be not committed in consequence of the abetment.	May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	By the Court by which the offence abetted is triable.
	If the abettor or the person abetted be a public servant, whose duty it is to prevent the offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.
	If the offence be not committed.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence, which it is his duty to prevent, if the offence be committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to ½ of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed.	Ditto ...	Ditto ...	According as the offence abetted is bailable or not.	Imprisonment extending to ¼ part of the longest term, and of any description provided for the offence, or fine, or both.	Ditto.
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto	Ditto ...	Ditto ...	Imprisonment extending to ¼ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

	If not committed	Ditto ...	Ditto ...	Ditto ..	Imprisonment extending to ⅛ part of the longest term, and of the description provided for the offence, or fine, or both.	Ditto.

CHAPTER VI—OFFENCES AGAINST THE STATE.

121	Waging or attempting to wage war, or abetting the waging of war against the Queen.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Death, or transportation for life, and forfeiture of property.	Court of Session.
122	Collecting arms, &c., with the intention of waging war against the Queen.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and forfeiture of property.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
124	Assaulting Governor General, Governor, &c., with intent to compel or restrain the exercise of any lawful power.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with the Queen, or abetting the waging of such war.	Ditto ...	Ditto ...	Ditto ...	Transportation for life and fine, or imprisonment of either description for 7 years, and fine, or fine.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with the Queen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine, and forfeiture of certain property.	Ditto.
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
128	Public servant voluntarily allowing prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
129	Public servant negligently suffering prisoner of State or War in his custody to escape.	Ditto ...	Ditto ...	Bailable ...	Simple imprisonment for 3 years, and fine.	Court of Session or Magistrate of the District.
130	Aiding escape of, rescuing, or harbouring such prisoner, or offering any resistance to the recapture of such prisoner.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER VII—OFFENCES RELATING TO THE ARMY AND NAVY.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
131	Abetting mutiny, or attempting to seduce an officer, soldier, or sailor from his allegiance or duty.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
132	Abetment of mutiny if mutiny is committed in consequence thereof.	Ditto ...	Ditto ...	Ditto ...	Death or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
133	Abetment of an assault by an officer, soldier, or sailor on his superior officer when in the execution of his office.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
134	Abetment of such assault, if the assault is committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier, or sailor.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
136	Harbouring such an officer, soldier, or sailor who has deserted.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
137	Deserter concealed on board merchant vessel, through negligence of master or person in charge thereof.	Shall not arrest without warrant.	Summons ..	Ditto ...	Fine of 500 rupees	Ditto.
138	Abetment of act of insubordination by an officer, soldier, or sailor, if the offence be committed in consequence.	May arrest without warrant	Warrant ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, with intent that it may be believed that he is such a soldier.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

143	Being a member of an unlawful assembly.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.

144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ...	Ditto ...	Ditto ...	Ditto ...	Ditto.
147	Rioting.	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto.
148	Rioting armed with a deadly weapon.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	The same as for the offence ...	By the Court by which the offence is triable.
150	Hiring, engaging, or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged, or employed.	Ditto ..	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto ...	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, &c.	Ditto ...	Warrant ...	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
154	Owner or occupier of land not giving information of riot, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 1,000 rupees ...	Magistrate of the District, or Subordinate Magistrate of 1st Class.
155	Person for whose benefit, or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto ...	Ditto ...	Ditto ...	Fine ...	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto .	Ditto ...	Ditto ...	Ditto ...	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

CHAPTER VIII—OFFENCES AGAINST THE PUBLIC TRANQUILLITY *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
158	Being hired to take part in an unlawful assembly or riot.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	Or to go armed.	Ditto .	Warrant ...	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
160	Committing affray.	Shall not arrest without warrant.	Summons ...	Ditto ..	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Any Magistrate.

CHAPTER IX—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons ...	Bailable .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto .	Ditto	Ditto	Ditto	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto .	Ditto .	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto .	Ditto .	Ditto .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto .	Ditto ...	Ditto .	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

166	Public servant disobeying a direction of the aw with intent to cause injury to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
168	Public servant unlawfully engaging in trade.	Ditto ...	Ditto ...	Ditto	Simple imprisonment for 1 year, or fine, or both.	Magistrate of the District.
169	Public servant unlawfully buying or bidding for property.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 2 years, or fine, or both, and confiscation of property, if purchased.	Ditto.
170	Personating a public servant.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If summons or notice require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If summons, &c., require attendance in person, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
	If the order require personal attendance, &c., in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
167	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Magistrate of the District.
	If the notice or information required respects the commission of an offence, &c.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
177	Knowingly furnishing false information to a public servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the information required respects the commission of an offence, &c.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

178	Refusing oath when duly required to take oath by a public servant.	Ditto	...	Ditto	.	Ditto	...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions of chapter X of this Code, or if not committed in a Court, the Magistrate of the District, or Subordinate Magistrate of 1st Class.
179	Being legally bound to state the truth, and refusing to answer questions.	Ditto	...	Ditto	...	Ditto	..	Ditto	Ditto.
180	Refusing to sign a statement made to a public servant when legally required to do so.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 3 months, or fine of 500 rupees, or both.	Ditto.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto	..	Warrant	...	Ditto	..	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	...	Summons	...	Ditto	...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Ditto	Ditto.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Ditto.
185	Bidding by a person under a legal incapacity to purchase it for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	...	Ditto	..	Ditto	...	Imprisonment of either description for 1 month, or fine of 200 rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions	Ditto	...	Ditto	...	Ditto	...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Ditto.
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, &c.	Ditto	...	Ditto	...	Ditto	...	Simple imprisonment for 6 months, or fine of 500 rupees, or both.	Ditto.

CHAPTER X—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction or annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If such disobedience causes danger to human life, health or safety, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for 6 months, or fine of 1,000 rupees, or both.	Ditto.
189	Threatening a public servant with injury to him, or one in whom he is interested, to induce him to do or forbear to do any official act.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.

193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	Giving or fabricating false evidence in any other case.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Ditto.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Ditto.
	If innocent person be thereby convicted and executed.	Ditto ...	Ditto ...	Ditto ...	Death, or as above	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation, or imprisonment for more than seven years.	Ditto ...	Ditto ...	Ditto ...	The same as for the offence ...	Ditto.

196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto ...	Ditto ..	According as the offence of giving such evidence is bailable or not.	The same as for giving or fabricating false evidence.	Ditto.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ...	Ditto ...	Bailable ...	The same as for giving false evidence	Ditto.
198	Using as a true certificate one known to be false in a material point.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
199	False statement made in any declaration which is by law received as evidence.	Ditto ..	Ditto ...	Ditto ...	Ditto	Ditto.
200	Using as true any such declaration known to be false.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
	If punishable with transportation, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with less than 10 years' imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District or by the Court by which the offence is triable.
202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District.
203	Giving false information respecting an offence committed.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
206	Fraudulent removal or concealment, &c., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
209	False claim in a Court of Justice.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, and fine.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
211	False charge of offence made with intent to injure.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If offence charged be capital or punishable with transportation for life, or imprisonment for 7 years, or upwards.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
212	Harbouring an offender if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If punishable with imprisonment for 1 year, and not for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
213	Taking gift, &c., to screen an offender from punishment, if the offence be capital.	Shall not arrest without warrant.	Ditto ..	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto ..	Ditto ...	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.

214	Gift made to cause restoration of property in consideration of screening offender, if the offence be capital.	Ditto ...	Ditto	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto ..	Ditto ...	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If with imprisonment for 1 year and not for 10 years.	Ditto ..	Ditto ..	Ditto ...	Imprisonment for ¼ of the longest term, and of the description provided for the offence, or fine, or both.	By the Magistrate of the District, or by the Court by which the offence is triable.
217	Public servant disobeying a direction of law with intent to save persons from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
219	Public servant in a judicial proceeding making or pronouncing an order, report, verdict, or decision which he knows to be contrary to law.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
220	Commitment for trial or confinement by a person having authority who knows that he is acting contrary to law.	Ditto ...	Ditto ..	Ditto ...	Ditto	Ditto.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.

CHAPTER XI—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, with or without fine.	Court of Session or Magistrate of the District.
	If with imprisonment for less than 10 years.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 2 years, with or without fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice, if under sentence of death.	Ditto ...	Ditto ...	Not bailable ..	Transportation for life, or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of transportation for life, or imprisonment or penal servitude for 10 years or upwards.	Ditto ...	Ditto .	Ditto ...	Imprisonment of either description for 7 years, with or without fine.	Ditto.
	If under sentence of imprisonment for less than 10 years.	Ditto ..	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
223	Escape from confinement negligently suffered by a public servant.	Ditto ...	Summons ..	Ditto ...	Simple imprisonment for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto ...	Ditto ..	Ditto	Ditto	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ..	Not bailable ..	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If charged with a capital offence.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.

	If the person is sentenced to transportation for life, or to transportation, penal servitude, or imprisonment for 10 years or upwards.	Ditto ...	Ditto .	Ditto	Ditto	Ditto.
	If under sentence of death.	Ditto ...	Ditto .	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
226	Unlawful return from transportation.	Ditto ..	Ditto .	Ditto	Transportation for life, and fine and rigorous imprisonment for 3 years before transportation.	Ditto.
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons	Ditto ..	Punishment of original sentence, or if part of the punishment has been undergone, the residue.	By the Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto ...	Ditto ..	Bailable ...	Simple imprisonment for 6 months, or fine of 1,000 rupees, or both.	Court in which the offence is committed, subject to the provisions contained in chapter X of this Code.
229	Personation of a juror or assessor.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS.

231	Counterfeiting or performing any part of the process of counterfeiting Coin.	May arrest without warrant.	Warrant ...	Not bailable .	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting or performing any part of the process of counterfeiting the Queen's Coin.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
233	Making, buying, or selling instrument for the purpose of counterfeiting Coin.	Ditto ..	Ditto ..	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
234	Making, buying, or selling instrument for the purpose of counterfeiting the Queen's Coin.	Ditto	Ditto ...	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of instrument or material for the purpose of using the same for counterfeiting Coin.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
	If Queen's Coin.	Ditto .	Ditto ...	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS *(continued)*.

1	2	3	4	5	6	7
Code.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
236	Abetting in India the counterfeiting out of British India of Coin.	May arrest without warrant.	Warrant .	Not bailable ...	The punishment provided for abetting the counterfeiting of such coin within British India.	Court of Session.
237	Import or export of counterfeit Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
238	Import or export of counterfeits of the Queen's Coin, knowing the same to be counterfeit.	Ditto ...	Ditto ...	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
239	Having any counterfeit Coin known to be such when it came into possession, and delivering, &c., the same to any person.	Ditto ...	Ditto ...	Ditto .	Imprisonment of either description for 5 years, and fine.	Ditto.
240	The same with respect to the Queen's Coin.	Ditto	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit Coin as genuine which when first possessed the deliverer did not know to be counterfeit.	Ditto .	Ditto ..	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin counterfeited, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
242	Possession of counterfeit Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
243	Possession of Queen's Coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto .	Ditto ...	Ditto .	Imprisonment of either description for 7 years, and fine.	Court of Session.
244	Persons employed in a Mint causing Coin to be of a different weight or composition from that fixed by law.	Ditto ..	Ditto ..	Ditto .	Ditto	Ditto.
245	Unlawfully taking from a Mint any coining instrument	Ditto ..	Ditto ..	Ditto .	Ditto	Ditto.
246	Fraudulently diminishing the weight or altering the composition of any Coin.	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.

247	Fraudulently diminishing the weight or altering the composition of the Queen's Coin.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
248	Altering appearance of any Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
249	Altering appearance of the Queen's Coin with intent that it shall pass as a Coin of a different description.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.
250	Delivery to another of Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
251	Delivery of Queen's Coin possessed with the knowledge that it is altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
252	Possession of altered Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session or Magistrate of the District.
253	Possession of Queen's Coin by a person who knew it to be altered when he became possessed thereof.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Court of Session.
254	Delivery to another of Coin as genuine, which, when first possessed, the deliverer did not know to be altered.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of ten times the value of the Coin.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
255	Counterfeiting a Government stamp.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
257	Making, buying, or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
258	Sale of counterfeit Government stamp.	Ditto ..	Ditto ...	Ditto ...	Ditto	Ditto.
259	Having possession of a counterfeit Government stamp.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause wrongful loss to Government.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.
262	Using a Government stamp known to have been before used.	Ditto .	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XII—OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS (*continued*).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
263	Erasure of mark denoting that stamp has been used.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District.

CHAPTER XIII—OFFENCES RELATING TO WEIGHTS AND MEASURES.

264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
265	Fraudulent use of false weight or measure.	Ditto ..	Ditto ...	Ditto ...	Ditto	Ditto.
266	Being in possession of false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
267	Making or selling false weights or measures for fraudulent use.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.

269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons ..	Bailable ..	Imprisonment of either description for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto .	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

272	Adulterating food or drink for man intended for sale so as to make the same noxious.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
273	Selling any food or drink as food and drink for man knowing the same to be noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 500 rupees	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ..	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
280	Navigating any vessel so rashly or negligently as to endanger human life, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
281	Exhibition of a false light, mark, or buoy.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
283	Causing danger, obstruction, or injury in any public way or line of navigation.	Ditto ...	Ditto ...	Ditto ...	Fine of 200 rupees	Ditto.
284	Dealing with any poisonous substance so as to endanger human life, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Ditto.
285	Dealing with fire or any combustible matter so as to endanger human life, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.

CHAPTER XIV—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS (*continued*).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
286	So dealing with any explosive substance.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 6 months, or fine of 1,000 rupees, or both.	Any Magistrate.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ..	Ditto ...	Ditto ...	Ditto	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt from such animal.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Fine of 200 rupees	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest with out warrant.	Ditto ...	Ditto ...	Simple imprisonment for 6 months, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
292	Sale, &c., of obscene books, &c.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 3 months, or fine, or both.	Ditto.
293	Having in possession obscene book, &c., for sale or exhibition.	Ditto ...	Ditto ...	Ditto ..	Ditto	Ditto.
294	Obscene songs.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XV—OFFENCES RELATING TO RELIGION.

295	Destroying, damaging, or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.
296	Causing a disturbance to an assembly engaged in religious worship.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
297	Trespassing in a place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight of any person, with intention to wound his religious feelings.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY.

Offences affecting life.

302	Murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Death, transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto ...	Ditto ...	Ditto ...	Death	Ditto.
304	Culpable homicide not amounting to murder if act by which the death is caused is done with intention of causing death, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
305	Abetment of suicide committed by a child, or insane or delirious person, or an idiot, or a person intoxicated.	Ditto ...	Ditto ...	Ditto ...	Death, or transportation for life, or imprisonment for 10 years, and fine.	Ditto.
306	Abetting the commission of suicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
307	Attempt to murder.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
	If such act cause hurt to any person.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
308	Attempt to commit culpable homicide.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY (*continued*).

Offences affecting life (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
	If such act cause hurt to any person.	May arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
309	Attempt to commit suicide.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, and fine.	Magistrate of the District.
311	Being a thug.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, and fine. ...	Court of Session.

Of the causing of Miscarriage ; of injuries to unborn children ; of the exposure of infants ; and of the concealment of births.

312	Causing miscarriage.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session.
	If the woman be quick with child.	Ditto .	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
313	Causing miscarriage without woman's consent.	Ditto .	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
314	Death caused by an act done with intent to cause miscarriage.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If act done without woman's consent.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above.	Ditto.
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
317	Exposure of a child under 12 years by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto ..	Bailable ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto.

318	Concealment of birth by secret disposal of dead body. ...	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session or Magistrate of the District.

Of Hurt.

323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Any Magistrate.
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto ...	Ditto .	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
325	Voluntarily causing grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto ...	Ditto ...	Not bailable ..	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
327	Voluntarily causing hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
328	Administering stupefying drug with intent to cause hurt....	Ditto ...	Ditto ...	Ditto ...	Ditto ..	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do an illegal act which may facilitate the commission of an offence.	Ditto ...	Ditto ..	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
330	Voluntarily causing hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Bailable .	Imprisonment of either description for 7 years, and fine.	Ditto.
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, &c.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Ditto.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto ..	Ditto ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Ditto ..	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 500 rupees, or both.	Any Magistrate.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY *(continued)*.

Of Hurt (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 4 years, or fine of 2,000 rupees, or both.	Court of Session, or Magistrate of the District.
336	Doing any act which endangers human life or the personal safety of others.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 months, or fine of 250 rupees, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 6 months, or fine of 500 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
338	Causing grievous hurt by an act which endangers human life, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine of 1,000 rupees, or both.	Ditto.

Of wrongful Restraint and wrongful Confinement.

341	Wrongfully restraining any person.	May arrest without warrant.	Summons ...	Bailable ...	Simple imprisonment for 1 month, or fine of 500 rupees, or both.	Any Magistrate.
342	Wrongfully confining any person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
343	Wrongfully confining for three or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
344	Wrongfully confining for ten or more days.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.

345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto.
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Ditto.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, &c.	Ditto ...	Ditto ..	Ditto ...	Ditto	Ditto.

Of Criminal Force and Assault.

352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
355	Assault or criminal force with intent to dishonour a person otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Ditto	Ditto.
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ...	Not bailable ...	Ditto	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons ...	Ditto ...	Simple imprisonment for 1 month, or fine of 200 rupees, or both.	Ditto.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour.

363	Kidnapping.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session.

CHAPTER XVI—OFFENCES AFFECTING THE HUMAN BODY *(continued)*.

Of Kidnapping, Forcible Abduction, Slavery, and forced Labour (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
364	Kidnapping or abducting in order to murder.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
368	Concealing or keeping in confinement a kidnapped person.	Ditto ...	Ditto ...	Ditto ...	Punishment for kidnapping or abduction.	Ditto.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant.	Ditto ...	Bailable ...	Ditto	Ditto.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
372	Selling or letting to hire a minor for the purpose of prostitution.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
373	Buying or obtaining possession of a minor for the same purpose.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
374	Unlawful compulsory labour.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Rape.

376	Rape.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of Unnatural Offences.

377	Unnatural offences.	May arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY.

Of Theft.

379	Theft.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380	Theft in a building, tent, or vessel.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ...	Ditto ...	Ditto ...	Ditto...	Court of Session, or Magistrate of the District.
82	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt, or of restraint, in order to the committing such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years, and fine.	Court of Session.

Of Extortion.

384	Extortion.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

CHAPTER XVII—OF OFFENCES AGAINST PROPERTY *(continued.)*

Of Extortion (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
386	Extortion by putting a person in fear of death or grievous hurt.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
387	Putting or attempting to put a person in fear of death or grievous hurt, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence threatened be an unnatural offence.	Ditto ...	Ditto ...	Ditto ..	Transportation for life	Ditto.
389	Putting person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
	If the offence be an unnatural offence.	Ditto ...	Ditto ...	Ditto ...	Transportation for life	Ditto.

Of Robbery and Dacoity.

392	Robbery.	May arrest without warrant.	Warrant ...	Not bailable ...	Rigorous imprisonment for 10 years, and fine.	Court of Session, or Magistrate of the District.
	If committed on the highway between sunset and sunrise.	Ditto ..	Ditto ...	Ditto ...	Rigorous imprisonment for 14 years, and fine.	Ditto.
393	Attempt to commit robbery.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person generally concerned in such robbery.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
395	Dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

396	Murder in dacoity.	May arrest without warrant.	Warrant ...	Not bailable ..	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
397	Robbery or dacoity with attempt to cause death or grievous hurt.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for not less than 7 years.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
399	Making preparation to commit dacoity.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 10 years, and fine.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or as above ...	Ditto.
401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto ...	Ditto ...	Ditto ...	Rigorous imprisonment for 7 years, and fine.	Ditto.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Criminal Misappropriation of Property.

403	Dishonest misappropriation of moveable property or converting it to one's own use.	Shall not arrest without warrant.	Warrant ...	Bailable ..	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
	If by clerk or person employed by deceased.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.

Of Criminal Breach of Trust.

406	Criminal breach of trust.	May arrest without warrant.	Warrant ..	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY (*continued*).

Of Criminal Breach of Trust (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the firstinstance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
407	Criminal breach of trust by a carrier, wharfinger, &c.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District.
408	Criminal breach of trust by a clerk or servant.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
409	Criminal breach of trust by public servant, or by banker, merchant, or agent, &c.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.

Of the receiving of Stolen Property.

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.

Of Cheating.

417	Cheating.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either descripton for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Dittō ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
419	Cheating by personation.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
420	Cheating and thereby dishonestly inducing delivery of property, or the alteration or destruction of a valuable security.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District.

Of Fraudulent Deeds and Dispositions of Property.

421	Fraudulent removal or concealment of property, &c., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
424	Fraudulent removal or concealment of property of himself or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

Of Mischief.

426	Mischief.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine, or both.	Any Magistrate.

CHAPTER XVII—OFFENCES AGAINST PROPERTY *(continued)*.

Of Mischief (continued).

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
427	Mischief, and thereby causing damage to the amount of 50 rupees or upwards.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
428	Mischief by killing, poisoning, maiming or rendering useless, any animal of the value of 10 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
429	Mischief by killing, poisoning, maiming, or rendering useless, any elephant camel, horse, &c., whatever may be its value, or any other animal of the value of 50 rupees or upwards.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
430	Mischief by causing diminution of supply of water for agricultural purposes, &c.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
431	Mischief by injury to public road, bridge, river, or navigable channel, and rendering it impassable or less safe for travelling, or conveying property.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
432	Mischief by causing inundation or obstruction to public drainage attended with damage.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
433	Mischief by destroying or moving or rendering less useful a light-house or sea-mark, or by exhibiting false lights.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, &c., a landmark fixed by public authority.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards.	May arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Court of Session.

436	Mischief by fire or explosive substance, with intent to destroy a house, &c.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
439	Running vessel ashore with intent to commit theft, &c.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
440	Mischief committed after preparation made for causing death or hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.

Of Criminal Trespass.

447	Criminal trespass.	May arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 3 months, or fine of 500 rupees, or both.	Any Magistrate.
448	House-trespass.	Ditto ...	Warrant ...	Ditto ...	Imprisonment of either description for 1 year, or fine of 1,000 rupees, or both.	Ditto.
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ...	Ditto ...	Not bailable ...	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 2 years, and fine.	Any Magistrate.
	If the offence is theft.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
452	House-trespass, having made preparation for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
453	Lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, and fine.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVII—OFFENCES AGAINST PROPERTY *(continued)*.

Of Criminal Trespass (continued).

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	May arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 10 years, and fine.	Ditto.
455	Lurking house-trespass or house-breaking after preparation made for causing hurt, assault, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
456	Lurking house-trespass or house-breaking by night.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 5 years, and fine.	Ditto.
	If the offence is theft.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 14 years, and fine.	Ditto.
458	Lurking house-trespass or house-breaking by night after preparation made for causing hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Court of Session.
459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
460	Death or grievous hurt caused by one of several persons jointly concerned in house-breaking by night, &c.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto ...	Ditto ..	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session or Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS.

465	Forgery.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Court of Session.
466	Forgery of a record of a Court of Justice or of a Register of Births, &c., kept by a public servant.	Ditto ...	Ditto ...	Not bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.
467	Forgery of a valuable security, will, or authority to make or transfer any public security, or to receive any money, &c.	Ditto ..	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	When the valuable security is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Ditto ...	Ditto	Ditto.
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 3 years, and fine.	Ditto.
471	Using as genuine a forged document which is known to be forged.	Ditto ...	Ditto ...	Ditto ...	Punishment for forgery ...	Ditto.
	When the forged document is a promissory note of the Government of India.	May arrest without warrant.	Ditto ...	Not bailable ...	Ditto	Ditto.
472	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable under section 467 of the Indian Penal Code, or possessing with like intent any such seal, plate, &c., knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
473	Making or counterfeiting a seal, plate, &c., with intent to commit a forgery punishable otherwise than under section 467 of the Indian Penal Code, or possessing with like intent any such seal, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XVIII—OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY-MARKS *(continued)*.

1	2	3	4	5	6	7
Section.	Offence.	Whether the Police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Punishment under the Indian Penal Code.	By what Court triable.
	If the document is a valuable security or will.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Transportation for life, or as above ...	Court of Session.
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Indian Penal Code, or possessing counterfeit marked material.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will, &c.	Ditto ...	Ditto ...	Ditto ...	Transportation for life, or imprisonment of either description for 7 years, and fine.	Ditto.
	Of Trade and Property-Marks.					
482	Using a false trade or property-mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
483	Counterfeiting a trade or property-mark used by another, with intent to cause damage or injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
484	Counterfeiting a property-mark used by a public servant, or any mark used by him to denote the manufacture, quality, &c., of any property.	Ditto ...	Summons ...	Ditto ...	Imprisonment of either description for 3 years, and fine.	Court of Session, or Magistrate of the District.
485	Fraudulently making or having possession of any die, plate, or other instrument for counterfeiting any public or private property or trademark.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Ditto.

486	Knowingly selling goods marked with a counterfeit property or trademark.	Ditto ...	Ditto ...	Ditto .	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 3 years, or fine, or both.	Court of Session, or Magistrate of the District, or Subordinate Magistrate of 1st Class.
488	Making use of any such false mark.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
489	Removing, destroying, or defacing any property-mark with intent to cause injury.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.

CHAPTER XIX—OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.

490	Being bound by contract to render personal service during a voyage or journey, or to convey or guard any property or person, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons ...	Bailable ...	Imprisonment of either description for 1 month, or fine of 100 rupees, or both.	Magistrate of the District, or Subordinate Magistrate of 1st Class.
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind, or disease, and voluntarily omitting to do so.	Ditto ...	Ditto ...	Ditto .	Imprisonment of either description for 3 months, or fine of 200 rupees, or both.	Ditto.
492	Being bound by a contract to render personal service for a certain period at a distant place to which the employee is conveyed at the expense of the employer, and there voluntarily deserting the service or refusing to perform the duty.	Ditto ...	Ditto ..	Ditto ...	Imprisonment of either description for 1 month, or fine of double the expense incurred, or both.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE.

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him, and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
494	Marrying again during the life-time of a husband or wife.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 7 years, and fine.	Ditto.

CHAPTER XX—OFFENCES RELATING TO MARRIAGE *(continued)*.

1 Section.	2 Offence.	3 Whether the Police may arrest without warrant or not.	4 Whether a warrant or a summons shall ordinarily issue in the first instance.	5 Whether bailable or not.	6 Punishment under the Indian Penal Code.	7 By what Court triable.
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant ...	Not bailable ...	Imprisonment of either description for 10 years, and fine.	Court of Session.
496	A person with fraudulent intention going through the ceremony of being married knowing that he is not thereby lawfully married.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, and fine.	Ditto.
497	Adultery.	Ditto ...	Ditto ...	Bailable ...	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, or fine, or both.	Magistrate of the District.

CHAPTER XXI—OF DEFAMATION.

500	Defamation.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Simple imprisonment for 2 years, or fine, or both.	Court of Session, or Magistrate of the District.
501	Printing or engraving matter knowing it to be defamatory.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ...	Ditto ...	Ditto ...	Ditto	Ditto.

CHAPTER XXII—OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.

504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ...	Bailable ...	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumours, &c., circulated with intent to cause mutiny or offences against the public peace.	Ditto ...	Ditto ...	Not bailable ...	Ditto	Magistrate of the District.
506	Criminal intimidation.	Ditto ...	Ditto ...	Bailable ...	Ditto	Magistrate of the District, or Subordinate Magistrate of 1st Class.
	If threat be to cause death or grievous hurt, &c.	Ditto ...	Ditto ...	Ditto ...	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, or Magistrate of the District.

507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ..	Ditto ...	Ditto ...	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Ditto.
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Ditto ...	Ditto ...	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	Magistrate of the District.
509	Uttering any word or making any gesture intended to insult the modesty of a woman.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 1 year, or fine, or both.	Ditto.
510	Appearing in a public place, &c., in a state of intoxication, and causing annoyance to any person.	Ditto ...	Ditto ...	Ditto ...	Simple imprisonment for 24 hours, or fine of 10 rupees, or both.	Any Magistrate.

CHAPTER XXIII—OF ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the Police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Transportation or imprisonment not exceeding half of the longest term and of the description provided for the offence, or fine, or both.	By the Court by which the offence attempted is triable.

OFFENCES AGAINST OTHER LAWS.

If punishable with death, transportation, or imprisonment for seven years or upwards.	May arrest without warrant.	Warrant ...	Not bailable ...	.....	Court of Session.
If punishable with imprisonment for more than three and less than seven years.	Ditto ...	Ditto ...	Ditto ...	.....	Court of Session, or Magistrate of the District.
If punishable with imprisonment for less than three years.	Shall not arrest without warrant.	Summons ...	Bailable ...	.....	Magistrate of the District, or Subordinate Magistrate of 1st Class.
If punishable with fine only or with imprisonment for less than one year.	Ditto ...	Ditto ...	Ditto ..	.....	Any Magistrate.

Office of Supdt. Govt. Printing.—No 11574.—14-4-69.—4000.

THE INCOME TAX ACT, 1869.

CONTENTS.

SECTION.

PART I.—PRELIMINARY.

1. Short title.
   Commencement of Act.
2. Repeal of Certificate Act.
3. Interpretation-clause.
4. Exemptions from Act.
5. Power to exempt from Act.

PART II.—DUTIES ON OFFICES.

6. Duties on offices.
7. Exemption of incomes less than Rs. 41-10-8 per mensem.
8. Provision as to Government officials.
9. Provision as to servants of Companies and Municipalities.

PART III.—COMPANIES.

10. Provision as to Companies.

PART IV.—DUTIES ON ALL OTHER INCOME AND PROFITS.

11. Duty on income not charged under Part II or III.
12. Trustees, guardians and committees of incapacitated persons to be charged.
    Non-residents charged in names of their agents.
13. Trustees or agents of persons incapacitated or non-resident to furnish statements of income or profits with declaration.
14. Collector to determine persons chargeable.
15. Computation when assessee becomes chargeable within year.
16. Service of notice.
17. Officer to grant receipts.
18. Contents of receipt.
19. Objection to assessment.
    Petition of objector.
20. Hearing of petition.

PRICE EIGHT ANNAS.

SECTION.

21. Appeal from order on petition.
Stamp on appeal.
Return of stamp.
22. Power to summon persons to give necessary information.
23. Power to issue fresh notice.

PART V.—PENALTIES.

24. Treasurers, &c., failing to make payments or deliver returns.
Trustees, &c., failing to deliver statements or declarations.
25. Failure to pay amount of assessment.
Grant of receipt on recovery of fine.
26. Mode of recovering fines.
27. Prosecution to be at instance of Collector.
28. Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

PART VI.—PAYMENT.

Instalments.

29. Tax when payable.
Payment by instalments.
30. Death or insolvency of person paying first instalment.
Firm paying first instalment and dissolving partnership or becoming insolvent.
31. Death or insolvency of person paying whole amount.
Firm paying whole amount and dissolving partnership or becoming insolvent.
32. Recovery of second instalment.

Recovery under Revenue-law.

33. Optional recovery under revenue-law.
34. Deductions of certain payments under Act IX of 1868.

Payment of taxes and fines.

35. Payment of taxes levied and fines recovered under this Act.

PART VII.—MISCELLANEOUS.

36. Powers of Collector and Commissioner under this Act may be exercised by other officers.
37. Service of notices.
38. Power to declare principal place of business.
Power to declare residence.
39. Governor General in Council empowered to make rules.
Schedule.

ACT No. IX of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act for imposing duties on Income and Profits arising from Offices, Property, Professions and Trades.

PART I.

PRELIMINARY.

Short title.

Commencement of Act.

1. This Act may be called "The Indian Income Tax Act," and shall come into operation on the first day of April 1869.

Repeal of Certificate Act.

2. Act No. IX of 1868 (*for taxing Professions and Trades*) is hereby repealed except as to taxes due under that Act.

Interpretation clause.

3. In this Act—unless there be something repugnant in the subject or context—

"Magistrate."

"Magistrate" means any person exercising the powers of a Magistrate, or of a Subordinate Magistrate of the First Class, and includes a Magistrate of Police and a Justice of the Peace:

"Company."

"Company" means an association carrying on business in British India whose stock or funds is or are divided into shares and transferable, whether such Company be incorporated or not, and whether its principal place of business be situate in British India or not:

"Firm."

"Firm" includes a Hindú undivided family:

"Person."

"Person" includes a firm:

"Defaulter."

"Defaulter" includes a firm making default under this Act:

"Year of assessment."

"Year of assessment" means a year commencing on the first day of April:

In the

Vide Act No. XXIII of 1869

"Collector."

In the case of any Company or Municipal or other public Body or Association not being a Company, "Collector" means the Collector of Land Revenue of the place or district at or in which its principal place of business in British India is situate. And in the case of any person chargeable under this Act, "Collector" means the Collector of Land Revenue of the place or district at or in which such person resides.

Exemptions from Act.

4. Nothing in this Act applies to the pay and allowances of officers, warrant officers, non-commissioned officers and privates of Her Majesty's Forces or of Her Majesty's Indian Forces, who are not in Civil employment, when such pay and allowances do not exceed rupees 500 per mensem;

Or to any moveable or immoveable property solely employed for or dedicated to religious or charitable public purposes.

And no member of a firm which is for the time being chargeable under this Act shall, as such, be chargeable under this Act.

Power to exempt from Act.

5. The Governor General of India in Council may from time to time, by order, wholly exempt from the operation of this Act the whole or any part of the income and profits of any tribe or class of persons in British India.

The Governor General of India in Council may revoke any such order.

All orders and revocations made under this section shall be published in the *Gazette of India.*

PART II.

Duties on Offices.

Duties on offices.

6. From the first day of April 1869, a duty of one per centum shall be levied in respect of every office or employment of profit in British India under Government or under a Company or a Municipal or other public Body or Association not being a Company, and upon every salary, annuity or pension paid in British India by Government or by a Company or by a Municipal or other public Body or Association not being a Company to any person residing in British India or serving on board a ship trading to and from British Indian ports, whether on account of himself or another person.

7. No

Exemption of incomes less than Rs. 41-10-8 per mensem.

7. No income amounting to less than rupees 41-10-8 per mensem shall be chargeable under this Part.

Provision as to Government officials.

8. In the case of every person holding any paid office, employment or commission under Her Majesty or under the Government of India, or under any Local Government, or receiving any annuity or pension from Her Majesty or any such Government,

the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Examiner of Claims or other proper officer, and shall be deemed to be a tax paid under this Act.

Provision as to servants of Companies and Municipalities.

9. In the case of every person holding a paid employment under or receiving any annuity or pension from any Company, or any Municipal or other public Body or Association not being a Company, the duty to which he is liable under this Part shall be deducted from his pay, annuity or pension at the time of payment by the Treasurer or other officer whose duty it is to make such payments, and shall be deemed to be a tax payable under this Act.

Every such Treasurer or other officer shall, as soon as may be after making such deductions, pay to the credit of the Government of India, or as such Government shall from time to time direct, the amount of such deductions, and shall be answerable to such Government for such payment.

Every Company, public Body or Association, Treasurer or other officer as aforesaid is hereby indemnified for all deductions and payments made in pursuance of this section.

The Treasurer, Secretary or principal Agent or Manager of every such Company and public Body or Association shall prepare, and, on or before the thirtieth day of April in this and every subsequent year, deliver, to the Collector, in such form as may from time to time be prescribed by the Governor General of India in Council, a return in writing showing the names of every person holding at the date of the said return a paid employment under or receiving a pension or annuity from the Company or public Body or Association whose pay or pension or annuity as such amounts to Rs. 41-10-8 per mensem or upwards, together with the salaries, annuities or pensions payable by the Company or public Body or Association to all such persons respectively.

PART III.

Companies.

Provision as to Companies.

10. In this and every subsequent year the Treasurer, Secretary or principal Agent or Manager in India of every Company shall, in the case of a Shipping Company trading between British India and any other country, pay to Government the sum of one per centum on a moiety of the nett profits made by each of the ships of such Company engaged in such trade, during the year ending on the day on which the Company's accounts shall have been last made up,

and in the case of every other Company pay to Government one per centum on the whole of the nett profits made in British India by such Company during the year ending on the day on which the Company's accounts shall have been last made up;

and shall prepare, and, on or before the thirtieth day of April, deliver, to the Collector, a statement in writing signed by him showing the result of such accounts (if any).

In the case of any Company where no such accounts as are mentioned in this section have been made up within the year ending on the thirty-first day of March next before the year of assessment, the Treasurer, Secretary or principal Agent or Manager of such Company shall prepare, and, on or before the thirtieth day of April in such year, deliver to the Collector a return in writing signed by him and stating the nett profits made by such ships or by the Company (as the case may be) during the year ending on the thirty-first day of March next before the year of assessment.

Every such Treasurer, Secretary or principal Agent or Manager is hereby indemnified for all payments made in pursuance of this section.

PART IV.

Duties on all other Income and Profits.

Duty on income not charged under Part II or III.

11. From the first day of April 1869, a yearly duty in accordance with schedule A to this Act annexed shall be levied upon all income and profits accruing and arising in British India and not chargeable under Part II or Part III of this Act.

12. The

Trustees, guardians and committees of incapacitated persons to be charged.

12. The trustee, guardian, curator, or committee of any infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of such infant, married woman, lunatic or idiot, whether such infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot be chargeable under this Part, be chargeable with the said duty in like manner and to the same amount as would be charged to such infant if of full age, or to such married woman if she were sole, or to such lunatic or idiot if he were capable of acting for himself.

Non-residents charged in names of their agents.

Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income or profits chargeable under this Part, shall be chargeable in the name of such agent, in the like manner and to the like amount as he would be charged if resident in British India, and in actual receipt of such income or profits.

Trustees or agents of persons incapacitated or non-resident to furnish statements of income or profits with declaration.

13. Every such trustee, guardian, curator, committee or agent shall, when required by the Collector, deliver a statement signed by him, of the amount of the income or profits in respect whereof he is chargeable on account of such infant, married woman, lunatic, idiot or non-resident, together with a declaration of the truth of the statement.

Collector to determine persons chargeable.

14. The Collector shall from time to time determine what persons are chargeable under this Part, and the amount that every such person shall be assessed in accordance with the said Schedule; and in making such assessment income exempted under section seven shall be treated as chargeable under this Part.

Computation when assessee becomes chargeable within year.

15. In the case of a person for the first time becoming chargeable under this Part within the year of assessment, the computation shall be made according to an average of his income and profits for such period as the Collector shall, under the circumstances, direct.

Service of notice.

16. The Collector shall cause a notice to be served on every person chargeable under this Part, stating—

(1). The

(1).—The name and the profession, trade or other source of the income or profits of such person:

(2).—The year or portion of the year for which the duty is to be paid:

(3).—The place or places, district or districts, where his income or profits accrues or arise:

(4).—The amount to be paid;

and requiring him within fifteen days from the date of the service to pay such amount.

Officer to grant receipts.

17. Such amount shall be paid to the Collector, who shall grant a receipt for such payment to the person making the same:

Provided that, if such income or profits accrues or arise at or in more than one place or district, the receipt shall be granted and payment made by and to the Collector for the place or district at or in which the person mentioned in the notice resides, or (in the case of a firm) at or in which its principal place of business in British India is situate.

Every such receipt shall be signed by the Collector granting it, or by such other officer as he shall from time to time empower in this behalf, and such signature shall be judicially noticed.

Contents of receipt.

18. Every such receipt shall specify—

(1).—The name and source or sources of the income or profits of the person by or on whose behalf the duty is paid:

(2).—The year or portion of the year for which the duty is paid:

(3).—The amount paid, and the date of payment; and

(4).—The place or places, district or districts, where the income or profits accrues or arise; and shall be admissible as *primâ facie* proof of all matters contained therein.

Objection to assessment.

19. Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under this Part, may within the period mentioned in the said notice, or if the Collector is satisfied that the objector has not received such notice, then at any time within one month from the expiration of such period, apply by petition to the Collector in order to establish his right to have the assessment reduced or cancelled.

The

The petition shall be in the form contained in schedule B to this Act annexed, or as near thereto as circumstances admit: it shall bear a stamp of eight annas, and the statements therein contained shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints.

Petition of objector.

Whoever makes a statement in any such petition which is false, and which he either knows or believes to be false, or does not believe to be true, shall be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

20. The Collector shall fix a day for the hearing of the petition, and, on the day so fixed, or on the day (if any) to which he has adjourned such hearing, shall hear such petition and pass his order thereon.

Hearing of petition.

Such order may be in favour of the petitioner, or it may simply reject the petition, or it may reject the petition and enhance the petitioner's assessment to an amount to be specified in the order.

If the order be in favour of the petitioner, the Collector shall at once refund the value of the said stamp. the fee on the petition.

If the order simply reject the petition or reject the petition and enhance the petitioner's assessment, the petitioner shall within one week from the passing of the order pay the amount mentioned in the said notice or in the order of enhancement (as the case may be).

1870.

21. Any person dissatisfied with any order under section twenty may, within fifteen days from the date thereof, on payment of the sum in which he was assessed, or to which his assessment was enhanced, present an appeal in writing to the Commissioner of Revenue of the Division, whose decision upon such appeal shall be final.

Appeal from order on petition.

Every appeal preferred under this section shall bear a stamp of one rupee, and shall be accompanied by a copy of the petition and the Collector's order thereon (both of which may be on unstamped paper), and all other documents (if any) connected with the case.

Stamp on appeal.

When the decision on such appeal is in favour of the appellant, the value of the stamp on his appeal, together with the excess paid by him, or (when the decision is that the petitioner is not chargeable under this Act), the whole sum so paid shall at once be refunded.

Return of stamp.

22. The

Power to summon persons to give necessary information.

22. The Collector or Commissioner may summon any person whom he thinks able to give evidence for the purpose of enabling him to determine how the petitioner should be assessed, and may examine on oath the person so summoned and the petitioner, and may require each of them to produce any documents in his possession or power relating to the sources of the petitioner's income or profits accruing or arising in British India.

Power to issue fresh notice.

23. Whenever the Collector has reason to believe that, in assessing any person under this Act, any source of income or profits not specified in the receipt granted to him under section seventeen has been overlooked, which source, if it had then been known to exist, would have increased the assessment, the Collector may cause a further notice to be served on such person stating the amount to be paid in respect of such source, and the provisions contained in sections sixteen to twenty-two (both inclusive) shall apply to such notice and regulate the procedure thereunder.

PART V.

Penalties.

Treasurers, &c., failing to make payments or deliver returns.

24. Every Treasurer, Secretary or principal Agent or Manager failing to make any payment or to prepare and deliver any return required by section nine,

or failing to make any payment or to prepare and deliver any statement or return required by section ten,

Trustees, &c., failing to deliver statements or declarations.

and every trustee, guardian, curator, committee or agent failing to deliver any statement or declaration required by section thirteen,

shall for every day during which such default continues, be fined, on conviction before a Magistrate, ten rupees.

The Commissioner of the Division shall have power to remit wholly or in part any penalty imposed under this section.

Failure to pay amount of assessment.

25. If any person served with notice under section sixteen does not within the period specified in the said notice pay the amount required thereby, he shall, on conviction before a Magistrate, be

be fined twice the amount mentioned in such notice: Provided that he has not presented a petition under section nineteen.

If any such person presents a petition under section nineteen and does not, within one week from the passing of the order thereon, pay the amount, if any, required by such order, he shall, on conviction before a Magistrate, be fined twice the amount mentioned in such order.

Grant of receipt on recovery of fine.

On the recovery of the fine from the person so convicted, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the fine, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

Mode of recovering fines.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras or Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm or to all or any of the members thereof.

Prosecution to be at instance of Collector.

27. No person shall be proceeded against for any offence under section twenty-four or section twenty-five except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings under this Act.

28. In sections 193 and 228 of the Indian Penal Code, the words "judicial proceeding" shall be taken to include any proceeding under this Act.

PART VI.

PAYMENT.

Tax when payable.

29. All taxes under this Act, except when they are deducted under section eight or section nine, shall be payable on the first day of April in each year:

Instalments.

Instalments.

Payment by instalments.

Provided that, in every case where the amount so payable equals or exceeds rupees twenty-four, it may be paid in each year by two equal instalments: the first instalment to be paid on some day not later than fifteen days after service of the notice mentioned in section sixteen upon the person paying the same, and the second instalment on the first day of October.

Death or insolvency of person paying first instalment.

30. When any person pays only such first instalment, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade (if any) in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, the amount of the second instalment shall not be claimable.

Firm paying first instalment and dissolving partnership or becoming insolvent.

When any firm pays only such first instalment, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, the amount of the second instalment shall not be claimable.

Death or insolvency of person paying whole amount.

31. When any person pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dies, or is by sickness or other infirmity rendered incapable of exercising the profession or trade in respect of the profits arising from which he was assessed, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of his property in trust for the benefit of his creditors, one moiety of such amount shall be paid to his representative or himself or his assignee, as the case may be.

Firm paying whole amount and dissolving partnership or becoming insolvent.

When any firm pays the whole amount as aforesaid, and, between the first day of April and the second day of October, dissolves partnership, or takes the benefit of any Act for the relief of insolvent debtors, or conveys the whole of its property in trust for the benefit of its creditors, one moiety of such amount shall be repaid under such rules as the Governor General of India in Council shall from time to time prescribe.

32. If

32. If the Collector has caused a notice to be served on any person liable to pay the said second instalment and requiring him within seven days from the date of the service to pay the amount of such instalment (mentioning it), and if the person so served does not within that period pay such amount as required by the said notice, he shall, on conviction before a Magistrate, be fined twice the amount so mentioned.

Recovery of second instalment.

Recovery under Revenue-law.

33. In any case of default under this Act arising outside the local limits of the towns of Calcutta, Madras or Bombay, the Collector may, if he thinks fit, and if the notice mentioned in section sixteen, twenty-three, or thirty-two (as the case may be) has been served on the defaulter, recover the amount of any tax or instalment payable under this Act as if it were an arrear of land revenue.

Optional recovery under revenue-law.

On the recovery of such amount from the defaulter, the Collector shall grant him a receipt without any further payment.

Every such receipt shall bear date from the recovery of the amount, and, save as aforesaid, the provisions of this Act relating to receipts shall apply to receipts granted under this section.

34. A deduction equivalent to the amount paid by any person under the said Act No. IX of 1868, section five, for the month of April 1869, shall be made from the first payment by such person under Part IV of this Act.

Deductions of certain payments under Act IX of 1868.

Payment of Taxes and Fines.

35. All taxes levied and all fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Payment of taxes levied and fines recovered under this Act.

PART VII.

MISCELLANEOUS.

36. All or any of the powers and duties conferred and imposed by this Act on a Collector and on a Commissioner of Revenue may be exercised and performed by such other officers or persons as the Local Government shall from time to time appoint in this behalf.

Powers of Collector and Commissioner under this Act may be exercised by other officers.

37. Service

37. Service of any notice under this Act shall be made by delivering or tendering a copy thereof under the signature of the Collector.

Service of notices.

Whenever it may be practicable, the service of the notice shall be on the person therein named, or, in the case of a firm, on some member thereof.

When such person or member cannot be found, the service may be made on any adult male member of his family residing with him; and if no such adult male member can be found, the serving officer shall fix the copy of the notice on the outer door of the house in which the person or firm therein named ordinarily dwells or carries on business.

38. When any Company or firm has several places of business in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be the principal place of business, and, when any Company has several Agents or Managers, which of them shall, for the purposes of this Act, be deemed to be the principal Agent or Manager.

Power to declare principal place of business

When any Company or firm has several places of business in the territories subject to a single Local Government, such Government shall have power to declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

When any person has several places of residence in the territories subject to different Local Governments, the Governor General of India in Council shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence, and when any person has several places of residence in the territories subject to a single Local Government, such Government shall have power to declare which of such places shall, for the purposes of this Act, be deemed to be his residence.

Power to declare residence.

The powers given by this section may be delegated to and exercised by such officers as the Governor General of India in Council or the Local Government, as the case may be, shall from time to time appoint in this behalf.

39. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement, and may delegate to any Local Government the power given by this section so far as regards the territories subject to such Government.

Governor General in Council empowered to make rules.

Schedule A.

ACT No. IX of 1869.

SCHEDULE A.

Persons whose annual income or profits shall be assessed at not less than	...	Rs.	500	but at less than	Rs.	750	shall pay	Rs.	6	0	0
Ditto ditto	...	„	750	„ „	„	1,000	„	„	8	8	0
Ditto ditto	...	„	1,000	„ „	„	1,500	„	„	12	0	0
Ditto ditto	...	„	1,500	„ „	„	2,000	„	„	17	0	0
Ditto ditto	...	„	2,000	„ „	„	3,000	„	„	24	0	0
Ditto ditto	...	„	3,000	„ „	„	4,000	„	„	34	0	0
And for every additional Rs. 1,000 of annual income or profits or fractional part thereof so long as the whole amount assessed is less than Rs. 10,000	...		...				shall pay an additional duty of	Rs.	10	0	0
Persons whose annual income or profits shall be assessed at not less than	...	Rs.	10,000	but at less than	Rs.	12,500	shall pay	Rs.	110	0	0
Ditto ditto	...	„	12,500	„ „	„	15,000	„	„	135	0	0
And for every additional Rs. 2,500 of annual profits or fractional part thereof so long as the whole amount assessed is less than Rs. 1,00,000	...		...				shall pay an additional duty of	Rs.	25	0	0
Persons whose annual income or profits shall be assessed at not less than	...	Rs.	1,00,000	but at less than	Rs.	1,10,000	shall pay	Rs.	1,040	0	0
Ditto ditto	...	„	1,10,000	„ „	„	1,20,000	„	„	1,140	0	0
And for every additional Rs. 10,000 of annual income or profits or fractional part thereof	...		...				shall pay an additional duty of	Rs.	100	0	0

Schedule B.

ACT No. IX of 1869.

SCHEDULE B.

Form of Petition under section 19.

Stamp eight annas.

TO THE COLLECTOR OF

The *day of* 186 .

The petition of *A. B.* of

SHEWETH—

1*st.*—That under the Indian Income Tax Act your petitioner has been assessed in the sum of rupees *eight*, annas *eight* for the year commencing the first day of April 186 .

2*nd.*—That your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits and the place or places at which such income or profits accrues or arise*] for the year ending the thirty-first day of March last were rupees as will appear from the documents marked presented herewith, and to which your petitioner craves leave to refer.

3*rd.*—That your petitioner has no other source of income or profits, and has no reason to believe that his income and profits during the year commencing the first day of April 186 will exceed the said sum of rupees

Your petitioner therefore prays that he may be assessed accordingly, and that the value of the stamp on this petition may be refunded [*or* that he may be declared not to be chargeable under the said Act, and that the value of the stamp on this petition may be refunded.]

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

Office Supdt. Govt. Printing.—No. 11653 L. C.—24-3-69.—5,000.

ACT No. X of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act to abolish the Police Superannuation Funds.

Preamble.

WHEREAS a Fund called "The Police Superannuation Fund" has been formed under Act No. XXIV of 1859 (*for the better regulation of the Police within the territories subject to the Presidency of Fort Saint George*), section twelve; and whereas similar Funds have been formed under Act No. V of 1861 (*for the regulation of Police*), section eleven, and under the Act of the Governor of Bombay in Council, No. VII of 1867 (*for the regulation of the District Police in the Presidency of Bombay*), section twelve; and whereas it is expedient to abolish the said Funds and to transfer to the Government of India the securities and monies at the credit of such Funds respectively; It is hereby enacted as follows:—

Repeal of enactments establishing Funds.

1. The said sections shall be repealed from such day as the Governor General of India in Council shall, by notification in the *Gazette of India*, direct in this behalf.

Transfer to Government of sums at credit of Funds.

2. All securities and sums of money which, on the said day, shall be standing at the credit of the said Funds respectively, shall be transferred and paid to the Government of India for the general purposes of government.

PRICE TWO ANNAS.

ACT No. XI OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidencies of Fort St. George and Bombay.

Short title.

Extent of Act.

1. This Act may be called the "Land Customs (Madras and Bombay) Act, 1869," and extends only to the territories for the time being respectively subject to the Governor of Fort St. George in Council and the Governor of Bombay in Council.

Repeal of enactments.

2. Act No. VI of 1844 *(for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George)*, sections 7 and 16, and Act No. XXIX of 1857 *(to make better provision for the collection of Land Customs on certain foreign frontiers of the Presidency of Bombay)*, section 3, are hereby repealed.

Duties on frontiers of foreign European settlements.

3. Duties of customs shall be levied on goods passing by land into, or out of, foreign European settlements situate on the lines of coast within the limits of the said territories at the rates prescribed in the schedules to Act No. XVII of 1867 *(to amend the law relating to Customs Duties)*, or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea.

Duties on frontiers of Native States.

4. The Local Government may declare, by notification in the official Gazette, that the territory of any Native Chief not subject to the jurisdiction of the courts and civil authorities of the territories under such Government, shall be deemed for the purposes of this Act to be foreign territory; and may declare goods passing into or out of such territory liable to the duties specified in the schedules to the said Act

PRICE TWO ANNAS.

Act No. XVII of 1867, or any other law for the time being in force relating to the duties of customs on goods imported and exported by sea; and goods so passing shall thereupon be liable to the duties aforesaid.

Application of provisions as to duties and goods.

5. So far as regards the territories subject to the Governor of Fort St. George in Council, the unrepealed provisions of the said Act No. VI of 1844, and so far as regards the territories subject to the Governor of Bombay in Council, the unrepealed provisions of the said Act No. XXIX of 1857, relating to the levy of duties and to dutiable goods shall, *mutatis mutandis*, apply to duties levied and goods liable to duty under or by virtue of this Act.

Office Supdt. Govt. Printing.—No. 11650 L. C.—8-4-69.—2700.

ACT No. XII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th March 1869).

An Act to amend the law relating to Customs Duties.

Power to assess value of dutiable goods.

1. Notwithstanding anything contained in the Indian Customs Duties' Act, 1867, it shall be lawful for the Governor General of India in Council from time to time, by notification in the *Gazette of India,* to fix for the purposes of that Act the value of any goods imported or exported by sea on which duties of customs are thereby imposed.

This Act to be read with Act XVII of 1867.

2. This Act shall be read with and taken as part of the Indian Customs Duties' Act, 1867.

PRICE TWO ANNAS.

ACT No. XIII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March 1869).

An Act further to amend the Procedure of the High Court of Judicature for the North-Western Provinces.

Preamble.

WHEREAS it is expedient to amend the Procedure of the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William; It is hereby enacted as follows:—

Power to try Native together with European British subject.

1. In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, a jury may be empanelled for the trial of both persons so charged, and they may be tried together, and the procedure on the trial shall be the same as it would have been had the European British subject been tried separately.

In any case before the said High Court in which an European British subject is charged jointly with a person not being an European British subject, and the former, before the jury is empanelled, requires the majority of the jurors to consist of Europeans or Americans, or both Europeans and Americans, the latter person shall be tried together with the former, and the procedure on the trial shall be the same as it would have been had the former been tried separately:

Proviso.

Provided that, in any such case, where the person not an European British subject so requires before the said jury is empanelled, he shall be tried separately by a jury of which at least one-half shall consist of persons not being Europeans or Americans.

2. The

PRICE TWO ANNAS.

Suspension of sections 198 and 364 of Code of Criminal Procedure.

2. The operation of sections 198 and 364 of the Code of Criminal Procedure is hereby suspended in the said High Court, and in any case coming before the Court in the exercise of its ordinary or its extraordinary original criminal jurisdiction, the Judges of such Court shall take down the evidence or the substance thereof in such manner as the Court shall, by any general rule, from time to time direct.

Power to award costs on petitions, &c.

3. Whenever any petition, application or motion is made in any matter coming before the said Court in the exercise of its civil, criminal or other jurisdiction, the Court shall have power to award and apportion costs in any manner it may think fit.

Penalty for making false statements in support of petitions, &c.

4. Whenever the Court shall require the statements in support of any such petition, application or motion to be verified by a declaration in writing, the person making such verification shall, if any such statement is false, and if he either knows or believes it to be false, or does not believe it to be true, be deemed to have intentionally given false evidence in a stage of a judicial proceeding.

Office Supdt. Govt. Printing.—No. 11786 L. C.—8-4-69—3060.

THE BOMBAY COURTS' ACT.

CONTENTS.

Preamble.

PART I.—*Preliminary.*

SECTION.

1. Short title.
   Extent of Act.
2. Repeal of enactments.

PART II.—*Districts and Sadr Stations.*

3. Alteration and creation of Districts.
4. Position of Sadr station.

PART III.—*District Courts.*

5. District Judges.
   First District Judges.
6. Situation of District Court.
7. Original jurisdiction of District Judge.
8. His appellate jurisdiction.
9. Control and inspection of Courts.
10. Writs and orders.
    Reports and returns.
11. Seal of District Judge.

PART IV.—*Joint Judges.*

12. Power to appoint Joint Judges.
13. Enactments applying to District Judge to apply to Joint Judge.
    Joint Judge's seal.

PART V.—*Assistant Judges.*

14. Power to appoint Assistant Judges.
15. Situation of Assistant Judge's Court.
16. Original jurisdiction of Assistant Judge.
17. Appellate jurisdiction of Assistant Judge.
18. Continuance of Assistant Judge's appellate jurisdiction.
19. Power to invest Assistant Judge with powers of District Judge.
20. Assistant Judge to use seal of District Judge.

PART VI.—*Subordinate Judges.*

21. Number of Subordinate Civil Courts.
22. Appointment of Subordinate Judges.

PRICE EIGHT ANNAS.

SECTION.

23. Situation of Subordinate Courts.
24. Classes of Subordinate Judges.
    Jurisdiction of Subordinate Judge of first class.
    Jurisdiction of Subordinate Judge of second class.
25. Special jurisdiction of Subordinate Judge of first class.
26. Appeals from his decision.
27. Appellate jurisdiction of Subordinate Judge of first class.
28. Power to invest Subordinate Judges with small cause powers.
29. Seal of Subordinate Judge.
30. First Subordinate Judges of first class.
    First Subordinate Judges of second class.
31. Pending proceedings.
32. Reference of Government suits.

Removal or suspension.

33. Commission of enquiry into alleged misconduct.
34. Suspension of Subordinate Judges by High Court or District Judge.
    Saving of power of Government to suspend or dismiss.

PART VII.—*Temporary Vacancies.*

35. Temporary vacancy of office of District Judge.
36. Delegation of powers of District Judge.
37. Temporary vacancy of office of Subordinate Judge.

PART VIII.—*Ministerial Officers.*

38. Appointment, &c., of ministerial officers.
39. Duties of ministerial officers.
40. Power to appoint Clerks of the Courts.

PART IX.—*Miscellaneous.*

41. Rules for keeping proceedings.
42. Fees for process.
43. Sittings of Courts.
    Vacation.

ACT No. XIV of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 19th March 1869).

An Act to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Preamble.

Whereas it is expedient to consolidate and amend the law relating to the District and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows:—

PART I.—*Preliminary.*

Short title. Extent of Act.

1. This Act may be called "The Bombay Civil Courts' Act, 1869," and extends only to the territories (other than Sind) under the Government of the Governor of Bombay in Council in which the Code of Civil Procedure is now in force. But the Governor of Bombay in Council may, by notification in the Government Gazette, extend this Act to any other of the territories under such Government in which the said Code is not in force, or to Sind.

Repeal of enactments.

2. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the present Zilas and the position of the present Sadr stations shall not be affected by such repeal.

PART II.—*Districts and Sadr Stations.*

Alteration and creation of Districts.

3. The Governor of Bombay in Council may from time to time, by notification in the Government Gazette, alter the limits of existing Zilas (which shall hereafter be called Districts) and create new Districts for the purposes of this Act.

4. The

Position of Sadr station.

4. The Governor of Bombay in Council may also from time to time, by notification in the Government Gazette, alter the position of the Sadr station in any District, and fix the position of the Sadr station in any new District.

PART III.—*District Courts.*

District Judges.

5. There shall be in each District a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

First District Judges.

The present Zila Judges shall be the first District Judges under this Act.

Situation of District Court.

6. The District Judge shall ordinarily hold the District Court at the Sadr station in his District, but may, with the previous sanction of the High Court, hold it elsewhere within the District.

Original jurisdiction of District Judge.

7. The District Court shall be the principal Court of original civil jurisdiction in the District, within the meaning of the Code of Civil Procedure.

His appellate jurisdiction.

8. Except as provided in sections sixteen, seventeen and twenty-six, the District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts from which an appeal lies under any law for the time being in force.

Control and inspection of Courts.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the District, and it shall be his duty to inspect, or to cause one of his Assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. The District Judge shall also refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

Writs and orders.

10. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court

as

as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

Reports and returns.

11. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the District—" District Court of ."

Seal of District Judge.

PART IV.—*Joint Judges.*

12. The Governor of Bombay in Council may, with the previous sanction of the Governor General of India in Council, appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

Power to appoint Joint Judges.

When the appointment of a Joint Judge shall have been sanctioned by the Governor General of India in Council, the Governor of Bombay in Council may, so long as such sanction continues in force, appoint a successor to such Joint Judge in case his office becomes vacant, or transfer such Joint Judge from one District to another ; and in such other District the Joint Judge so transferred shall have the same powers as he had in the former District.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge ; and the seal of the Joint Judge shall be the same as is used by the District Judge.

Enactments applying to District Judge to apply to Joint Judge.

Joint Judge's seal.

PART V.—*Assistant Judges.*

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more Assistants to the District Judge, and may suspend or remove from his appointment any Assistant so appointed.

Power to appoint Assistant Judges.

The present Assistant Judges shall be the first Assistant Judges under this Act.

15. An

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the District, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

Situation of Assistant Judge's Court.

16. The District Judge may refer to any Assistant Judge subordinate to him original suits of which the subject-matter does not amount to ten thousand rupees in amount or value, and miscellaneous applications not being of the nature of appeals. The Assistant Judge shall have jurisdiction to try such suits and to dispose of such applications. Where the Assistant Judge's decrees and orders in such cases are appealable, the appeal shall lie to the District Judge or to the High Court according as the amount or value of the subject-matter does not exceed or exceeds five thousand rupees.

Original jurisdiction of Assistant Judge.

The Assistant Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under ~~Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), Act No. XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and~~ Act No. XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

17. The Governor of Bombay in Council may, by notification in the Government Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the subordinate Courts as would lie to the District Judge and as may be referred by him to the Assistant Judge.

Appellate jurisdiction of Assistant Judge.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section seventeen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference

Continuance of Assistant Judge's appellate jurisdiction.

to

to the District in which he may be employed ; provided that the Governor of Bombay in Council may, by notification in the Government Gazette, at any time withdraw such power.

Power to invest Assistant Judge with powers of District Judge.

19. The Governor of Bombay in Council may, by notification in the Government Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, and may, by like notification, from time to time determine and alter the limits of such part.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

Assistant Judge to use seal of District Judge.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is Assistant.

PART VI.—*Subordinate Judges.*

Number of Subordinate Civil Courts.

21. There shall be in each District so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

Appointment of Subordinate Judges.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a subject of the Queen who has practised five years as an Advocate of a High Court in India or as a Vakíl in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

The tests so prescribed by the High Court shall be notified in the Government Gazette.

23. The

Situation of Subordinate Courts.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and in such cases the District Judge shall, subject to the control of the High Court, prescribe rules for regulating the time during which the Subordinate Judge shall sit in each Court.

The Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

Classes of Subordinate Judges.

24. The Subordinate Judges shall be of two classes.

Jurisdiction of Subordinate Judge of first class.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature.

Jurisdiction of Subordinate Judge of second class.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

Special jurisdiction of Subordinate Judge of first class.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees in amount or value as may arise within the local jurisdictions of the Courts in the District presided over by Subordinate Judges of the second class.

In Districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, subject to the orders of the High Court, shall assign to each the local limits within which his said special jurisdiction is to be exercised.

26. In

26. In all suits decided by a Subordinate Judge of the first class in the exercise of his ordinary and special original jurisdiction of which the amount or value of the subject-matter exceeds five thousand rupees, the appeal from his decision shall be direct to the High Court.

Appeals from his decision.

27. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the District.

Appellate jurisdiction of Subordinate Judge of first class.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

Power to invest Subordinate Judges with small cause powers.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

29. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the District—"Subordinate Judge of ."

Seal of Subordinate Judge.

30. The present Principal Sadr Amíns shall be the first Subordinate Judges of the first class, and (subject to any alteration of the limits of their ordinary local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

First Subordinate Judges of first class.

 The

The present Sadr Amíns and Munsifs shall be the first Subordinate Judges of the second class, and (subject to any alteration of the limits of their local jurisdiction which may from time to time be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

First Subordinate Judges of second class.

31. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amín, Sadr Amín, or Munsif (as the case may be) of such Court would have had if this Act had not been passed.

Pending proceedings.

32. No Subordinate Judge shall receive or register a suit in which Government or any officer of Government in his official capacity is a defendant, but he shall refer the party presenting the plaint in such suit to the District Judge, in whose Court alone such suit shall be instituted.

Reference of Government suits.

Removal or suspension.

33. Whenever the High Court is of opinion that there are good grounds for making a formal and public enquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

Commission of enquiry into alleged misconduct.

The provisions of Act No. XXXVII of 1850 (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

34. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Suspension of Subordinate Judges by High Court or District Judge.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the

the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Saving of power of Government to suspend or dismiss.

Nothing in this section or in section thirty-three shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

PART VII.—*Temporary vacancies.*

Temporary vacancy of office of District Judge.

35. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his District on leave, the first in rank of the Assistant Judges in the District, or in the absence from the District of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the District, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

Delegation of powers of District Judge.

36. Any District Judge leaving the Sadr station and proceeding on duty to any place within his District, may delegate to an Assistant Judge, or in the absence of an Assistant Judge to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-five as may be emergent; and such officer shall be designated Assistant or Subordinate Judge, as the case may be, in charge of the Sadr station.

Temporary vacancy of office of Subordinate Judge.

37. In the event of the death, suspension or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

PART VIII.—*Ministerial Officers.*

Appointment, &c., of ministerial officers.

38. All ministerial officers of the Civil Courts in each District shall be appointed, and may be fined, suspended or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

Provided

Provided that the Judge of every Subordinate Court may, subject to the like rules, appoint the ministerial officers of such Court, whose salaries do not exceed rupees ten per mensem, and may by order fine, suspend or dismiss any ministerial officer of such Court who is guilty of any misconduct or neglect in the performance of the duties of his office. Every such order shall be subject to appeal to the District Judge; and the rules for the time being applicable to appeals to the Court of Session from orders of the Criminal Courts subordinate thereto, shall apply to all appeals under this section.

Nothing in this section shall exempt the offender from any penal or other consequences to which he may be liable under any other law in force for the time being.

Duties of ministerial officers.

39. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

Power to appoint Clerks of the Courts.

40. The Governor of Bombay in Council may, under the general control of the Governor General of India in Council, appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

PART IX.—*Miscellaneous.*

Rules for keeping proceedings.

41. The proceedings of each Civil Court shall be kept and recorded according to such rules as the High Court may from time to time prescribe. The High Court shall also lay down rules under which copies of papers may be granted.

Fees for process.

42. The High Court shall from time to time, with the sanction of the Governor of Bombay in Council, prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

43. The

43. The District and Subordinate Courts shall sit from day to day, except on Sundays, New Year's Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

Sittings of Courts.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

Vacation.

ACT No. XIV OF 1869.

SCHEDULE.

Enactments repealed.

I.—BOMBAY REGULATIONS.

No. OF REGULATION	TITLE OF REGULATION.	EXTENT OF REPEAL.
I of 1827	A Regulation for forming into a regular Code all Rules that may be enacted for the internal government of the Territories subordinate to the Presidency of Bombay.	Sections 1 to 7 both inclusive.
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof.	The preamble, and so much of chapters III and IV as has not been repealed; and chapter II except so much of section XXI as refers to the interference of the Civil Courts in caste questions.
III of 1827	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records.	The whole.
IV of 1827	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same.	The preamble and sections 24, 27 and 72, clause 4.
XXIX of 1827	A Regulation for bringing under the operation of the Regulations the Bombay territories in the Dekkan and Khandesh.	Section 7.
XXXI of 1827	A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected.	The whole.
I of 1830	A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount.	The whole.
VII of 1831	A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted.	The whole.
XVIII of 1831	A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank.	The whole.
II of 1833	A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed.	The whole.
VI of 1834	A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay.	The whole.

II.—ACTS.

No. of ACT.	TITLE OF ACT.	EXTENT OF REPEAL.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameens and Sudder Ameens.	The whole Act as far as it relates to the Bombay Presidency.
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as refers to Joint Zillah Judges.

Office Supdt. Govt. Printing.—No. 11898 L. C.—16-4-69.—3400.

THE PRISONERS' TESTIMONY ACT, 1869.

CONTENTS.

Preamble.

PART I.

PRELIMINARY.

SECTION.

1. Short title.
2. Presidency Small Cause Courts.
   Police Magistrates.

PART II.

BRINGING UP PRISONERS.

3. Criminal Courts may make orders under Act.
4. Civil Courts may make orders under Act.
5. Court to countersign orders.
   Statement of facts necessitating order.
6. Order to be transmitted through Magistrate of the District in which the person is confined.
7. Order by High Court for removal of person confined more than 100 miles from place where his evidence is required.
8. Persons confined beyond limits of appellate jurisdiction of High Court.
9. Prisoner to be brought up.
10. Power to Government to exempt certain prisoners from operation of Act.
11. When jailor may disobey orders.

PART III.

COMMISSIONS.

12. Commission for examination of prisoners.
13. Commission for examination of prisoners beyond limits of appellate jurisdiction of High Court.
14. Commission how to be directed.

PRICE THREE ANNAS.

PART IV.

Service of Process on Prisoners.

Section.

15. Process how served on prisoners.
16. Process served to be transmitted at prisoner's request.

PART V.

Miscellaneous.

17. Deposit of costs.
18. Power to make rules.
19. Publication of rules.
20. Power to declare who shall be deemed 'officer in charge of jail.'
Schedule forms.

ACT No. XV of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th June 1869.)

An Act to provide facilities for obtaining the evidence and appearance of prisoners and for service of process upon them.

Preamble.

WHEREAS it is expedient to provide facilities for obtaining the evidence and appearance in Court of prisoners and for service of process upon them; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The Prisoners' Testimony Act, 1869."

Presidency Small Cause Courts.

Police Magistrates.

2. For the purposes of this Act, the Courts of Small Causes established within the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William, Madras and Bombay, and the Courts of persons exercising the powers of a Magistrate of Police within the same limits, shall be deemed to be respectively subordinate to the said High Courts.

PART II.

BRINGING UP PRISONERS.

Criminal Courts may make orders under Act.

3. Any Criminal Court not inferior to the Court of a Subordinate Magistrate of the first class may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Criminal Court be a High Court, or, if it be not a High Court, then

then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Criminal Court, or if a charge of an offence against such person is made or pending, make an order in the form in schedule A or schedule B (as the case may be) to this Act annexed, directed to the officer in charge of the said jail.

Civil Courts may make orders under Act.

4. Any Civil Court may in its discretion, if it appear that the testimony of any person confined in any jail situate within the local limits of its appellate jurisdiction, if the Civil Court be a High Court, or, if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, is material in any matter depending in such Civil Court, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

Court to countersign orders.

5. When such order is made in any civil matter pending in a Court subordinate to the Court of the District Judge, or in any Court of Small Causes situate outside the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal, Madras and Bombay, it shall not be forwarded to the officer to whom it is directed, or acted upon by him, until the same shall have been submitted to, and countersigned by, such Judge, or the District Judge within the local limits of whose jurisdiction such Court of Small Causes is situate.

Statement of facts necessitating order.

Every order so submitted shall be accompanied by a statement under the hand of the Judge of the facts which in his opinion render such order necessary, and the District Judge may, after considering such statement, decline to countersign the order.

Order to be transmitted through Magistrate of the District in which the person is confined.

6. When any person for whose attendance an order as hereinbefore mentioned shall be made is confined in any District other than that in which the Court making or countersigning the order is situate, the order shall be sent by the Court by which it shall have been made or countersigned to the Magistrate of the District or division of a District in which the said person is confined, and such Magistrate shall cause it to be delivered to the officer in charge of the jail in which such person is confined.

7. In

Order by High Court for removal of person confined more than 100 miles from place where his evidence is required.

7. In any case in which a person is confined in a jail within the local limits of the ordinary original civil jurisdiction of any of the High Courts of Judicature at Fort William, Madras and Bombay, or in a jail more than one hundred miles distant from the place where any Court, subordinate to a High Court, in which his evidence is required, is held, the Judge or presiding officer of the Court in which the evidence is so required shall, if he think it expedient that such person should be removed under this Act for the purpose of giving evidence in such Court, and if the said jail is situate within the local limits of the appellate jurisdiction of the High Court to which such Court is subordinate, apply in writing to the same High Court, and such High Court may, if it think fit, make an order in the form in the said schedule A, directed to the officer in charge of the said jail.

The High Court making the order shall send it to the Magistrate of the District or division of a District in which the person named therein is confined, and such Magistrate shall cause the order to be delivered to the officer in charge of the jail in which such person is confined.

~~For the purposes of this section and sections three and four, the Chief Commissioner of British Burma shall be deemed to be a High Court: the Court of a Recorder appointed under Act No. XXI of 1863 shall be deemed to be subordinate to the said Chief Commissioner; and every jail situate in British Burma shall be deemed to be situate within the local limits of the said Chief Commissioner's appellate jurisdiction.~~

Persons confined beyond limits of appellate jurisdiction of High Court.

8. In any case in which a person is confined within a jail situate beyond the local limits of the appellate jurisdiction of a High Court, any Judge of such Court may, if he think it expedient that such person should be removed under this Act, for the purpose of giving evidence in any criminal matter in such Court or in any Court subordinate thereto, apply in writing to the Local Government within the territories subject to which the said jail is situate; and such Government may, if it think fit, direct that such person shall be so removed, subject to such rules regulating the escort of such prisoners as the Governor General of India in Council may from time to time prescribe.

To

To obtain the removal of a person confined in a jail situate beyond the territories for the time being under the administration of the Chief Commissioner of British Burma for the purpose of giving evidence in any criminal matter in the Court of a Recorder appointed under the said Act No. XXI of 1863, such Recorder shall have the power conferred on a Judge of a High Court by the former part of this section, and the other provisions of such part shall, *mutatis mutandis*, apply.

Prisoner to be brought up.

9. Upon delivery of any order under this Act to the officer in charge of the jail in which the person named therein is confined, such officer shall cause him to be taken to the Court in which his attendance is required, so as to be present in such Court at the time in such order mentioned; and shall cause him to be detained in custody in or near the Court until he shall have been examined or until the Judge or presiding officer of such Court shall authorize him to be taken back to the jail in which he was confined.

Power to Government to exempt certain prisoners from operation of Act.

10. The Governor General of India in Council or the Local Government may, from time to time, by notification in the official Gazette, direct that any person or any class of persons shall not be removed from the jail in which he or they may be confined; and thereupon, and so long as such notification remains in force, the provisions of this Act, other than those contained in sections twelve, thirteen and fourteen, shall not apply to such person or class of persons.

When jailor may disobey orders.

11. When any person named in any order made under section three, section four, or section seven appears to be from sickness or other infirmity unfit to be removed, the officer in charge of the jail in which he is confined shall apply to the Magistrate of the District or division of a District in which such jail is situate, and if such Magistrate shall by writing under his hand declare himself to be of opinion that such person is from infirmity unfit to be removed;

or when any person named in any such order is under committal for trial;

or under a remand pending trial or pending a preliminary investigation;

or

or when any such person is in custody for a period which would expire before the expiration of the time required for removing him under this Act and for taking him back to the jail in which he is confined;

then and in every such case the officer in charge of the jail shall abstain from obeying such order, and shall send to the Court from which the order has been issued, a statement of his reason for not obeying the same:

Provided that the said officer shall not so abstain when

the order has been made under section three,

and the person named in the order is confined under committal for trial, or under a remand pending trial or pending a preliminary investigation, and does not appear to be from sickness or other infirmity unfit to be removed,

and the place where his evidence is required is not more than five miles distant from the jail in which he is confined.

PART III.

COMMISSIONS.

Commission for examination of prisoners.

12. Whenever it shall appear to any Civil Court that the evidence of a person confined in any jail situate within the local limits of the appellate jurisdiction of such Court, if it be a High Court, or if it be not a High Court, then within the local limits of the appellate jurisdiction of the High Court to which it is subordinate, who for any of the causes mentioned in section ten or section eleven cannot be brought up before it, is material in any matter depending before such Court,

and whenever it shall appear to any such Court that the evidence of a person confined in any jail so situate and more than ten miles distant from the place at which such Court is held, is material in any such matter,

and in any case in which the District Judge shall under section five have declined to countersign the order for removal,

the

the Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

Commission for examination of prisoners beyond limits of appellate jurisdiction of High Court.

13. Whenever it shall appear to any High Court that the evidence of a person confined in a jail situate beyond the local limits of its appellate jurisdiction is material in any civil matter depending before such Court, or before any Court subordinate thereto, the High Court may, if it think fit, issue a commission under the provisions of the Code of Civil Procedure for the examination of such person in the jail in which he is confined.

Commission how to be directed.

14. Every commission issued under section twelve or section thirteen shall be directed to the District Court of the District wherein the jail in which such person is confined is situate, and such Court shall commit the execution of the commission to the officer in charge of such jail, or to such other person as the Court thinks fit.

PART IV.

SERVICE OF PROCESS ON PRISONERS.

Process how served on prisoners.

15. When any process directed to any person confined in any jail is issued from any Court, the same may be served by exhibiting to the officer in charge of such jail or prison the original of such process, and by depositing with him a copy thereof.

Process served to be transmitted at prisoner's request.

16. Every officer in charge of a jail upon whom any such service as is mentioned in section fifteen shall be made, shall, as soon as may be, cause the copy of the process so deposited with him to be shown and explained to the prisoner to whom it is directed, and shall thereupon endorse upon such process a certificate signed by him that the prisoner to whom the process is directed is a prisoner in the jail under his charge, and that he has received a copy thereof.

Such certificate shall be sufficient *primâ facie* evidence of the service of such process; and if the prisoner requests that the said copy be sent to any other person, and provides the cost of so sending it, the said officer shall cause the same to be so sent through the Post Office by registered letter.

PART V.

MISCELLANEOUS.

Deposit of costs.

17. No order in any civil matter shall be made by a Court under any of the provisions hereinbefore contained until the amount of the costs and charges of the execution of such order (to be determined by the Court) is deposited in such Court:

Provided that if upon any application for such order it appear to the Court to which the application is made that the applicant has not sufficient means to meet the said costs and charges, the Court may pay the same out of any fund applicable to the contingent expenses of such Court, and every sum so expended may be recovered by Government from any person ordered by the Court to pay the same, as if it were costs of suit recoverable under the Code of Civil Procedure.

Power to make rules.

18. It shall be lawful for the Local Government, and in cases arising under section eight, for the Governor General of India in Council, to make rules consistent with this Act

(1) for regulating the escort of prisoners to and from the Court in which their presence is required;

(2) for regulating the amount to be allowed for the costs and charges of such escort; and

(3) for the guidance of officers in all other matters connected with the enforcement of this Act;

and from time to time to alter and add to the rules so made.

Publication of rules.

19. All such rules, alterations and additions shall be published in the official Gazette, and shall, from the date of such publication, be deemed to have the force of law.

Power to declare who shall be deemed officer in charge of jail.

20. The Local Government may also declare in each case what officer shall, for the purposes of this Act, be deemed to be 'the officer in charge of the jail.'

SCHEDULE A.

ACT No. XV OF 1869.

SCHEDULE A.

Court of

To the officer in charge of the *(state name of jail)*

You are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to give testimony in a cause now pending before [*or* in a certain charge or prosecution now pending before against *or as the case may be*] and after the said shall then and there have given his testimony before the said or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of *A. B.*

(Countersigned) *C. D.*

SCHEDULE B.

Court of

To the officer in charge of the (*state name of jail*)

You are hereby required to have the body of , now a prisoner in under safe and sure conduct before the at on the day of next by of the clock in the forenoon of the same day, there to answer a charge now pending before and, after such charge shall have been disposed of or the said shall dispense with his further attendance, cause him to be conveyed under safe and sure conduct back to the said jail.

day of *A. B.*

(Countersigned) *C. D.*

Office Supdt. Govt. Printing.—No. 1711 L. C. 24-6-69.—4,500.

ACT No. XVI of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 23rd July 1869.)

An Act to exclude the ordinary Civil Courts from the cognizance of suits relating to land in the Bhután Dvárs, and for other purposes.

Preamble.

WHEREAS it is expedient to exclude the ordinary Civil Courts from the cognizance of suits relating to immoveable property, revenue and rent in the territory ceded by the Government of Bhután to the British Government in the year 1866 and commonly known as the Bhután Dvárs; and whereas certain rules relating to immoveable property, revenue and rent in the said territory, and contained in the schedule to this Act, have been made by the Lieutenant Governor of Bengal, and it is expedient that such rules should have the force of law; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Bhután Dvárs Act, 1869."

Abolition of Civil Courts' jurisdiction as to immoveables in the Dvárs.

2. The jurisdiction which the ordinary Civil Courts of Judicature have hitherto had and exercised in respect of suits (whether instituted before or after the passing of this Act) and other matters connected with immoveable property, revenue and rent in the said territory shall cease.

Jurisdiction by whom exerciseable.

3. Such jurisdiction shall be exercised by such officers and within such local limits as the Lieutenant Governor of Bengal shall from time to time appoint in this behalf.

Pending suits and appeals.

4. All original suits and appeals relating to immoveable property, revenue or rent in the said territory, now pending in the said Civil Courts, shall be transferred to and disposed of by such of the officers appointed under section three as the said Lieutenant Governor shall direct in this behalf.

All

PRICE TWO ANNAS.

All suits and appeals so transferred shall be disposed of by the officer to whom they shall have been so transferred as if they had been originally instituted in or presented to his Court.

And all appeals hereafter presented from decrees or orders in original suits relating to such property, revenue or rent heretofore instituted shall (subject to the rules of limitation which would have been applicable thereto if this Act had not been passed) lie to such of the said officers as the said Lieutenant Governor shall direct in this behalf.

Validation of rules.

5. The rules contained in the schedule to this Act shall be deemed to have the force of law.

Power to make additional rules.

6. The said Lieutenant Governor may from time to time make additional rules consistent with this Act and the schedule hereto for the guidance of officers in matters connected with the enforcement of this Act and the rules contained in the said schedule.

Such additional rules shall be published in the *Calcutta Gazette*, and shall thereupon have the force of law.

SCHEDULE.

Rules relating to immoveable property, rent and revenue, in the Bhután Dvárs.

I. At a reasonable time, before any officer appointed under section 3 of the Bhután Dvárs Act, 1869, shall commence his enquiries in any Revenue Survey Circuit or other convenient tract of country, a notice shall be published in such tract calling on all interested in the suits and matters mentioned in section 2 of the said Act, to come forward and advance their claims and protect their interests before the said officer.

II. In the investigation of such suits and matters, the said officer shall be guided by the provisions of Regulation VII of 1822, and shall exercise all the powers conferred upon a Collector making a settlement of land revenue by that Regulation and all other Regulations and Acts amending the same, in addition to the powers vested in him by these rules.

III. The said officer shall make a record in such form as the Lieutenant Governor may direct, of all rights, interests and other matters which he is empowered by these rules to investigate, ascertain, and determine.

IV. The said officer shall ascertain the position as to rights and interests connected with the soil which each person *boná fide* occupied before the state of things was affected by the Bhután

Bhután war, and, subject to due regard for considerations of public policy, confirm him in that position: he shall take cognizance of, and decide, all disputes, conflicting claims, and doubtful questions which then existed: Provided that he shall not take cognizance of any right or interest which, being capable of exercise or assertion within twelve years before the date on which the Bhután Dvárs were transferred to the British Government, had not been exercised or asserted during the period.

V. As soon as the record of rights for any tract as mentioned in Rule III is completed, the said officer shall cause it to be published in the tract, and a second copy shall be open for inspection at his office, of which fact due notice shall be given.

VI. Within one month of such publication, any person who is dissatisfied with any entry in the record, which has not been adjudicated upon by the said officer, may present a petition to such officer, who shall thereupon proceed to try the questions in dispute.

VII. Any person aggrieved by any decision or order of the said officer may appeal by petition to the Commissioner of the Division, or to any other officer specially appointed by the Lieutenant Governor to be a Commissioner in that behalf: Provided that such appeal be presented within three months of the date of the decision or order appealed against, unless sufficient cause for longer delay be shown to the satisfaction of the Commissioner.

VIII. The said officer may, within one month of the passing of any decision or order by him, admit to review any such decision or order, and eventually amend, vary, or correct the same: Provided that no appeal have been preferred against such order or decision to the appellate authority as defined in Rule VII.

IX. The appellate authority may, within one month of the passing of any decision or order by such appellate authority on appeal, admit to review any such decision or order.

X. No appeal shall lie as of right to any authority against any order passed by the appellate authority under these rules, but, notwithstanding anything to the contrary in these rules, the Lieutenant Governor of Bengal may, if he think fit, alter, vary or annul any decision or order which may have been passed under these rules: Provided that an application in that behalf shall have been made before or within one month after the issue of the notification of confirmation of the record under Rule XI.

XI. When the record of any circuit or other tract, as mentioned in Rule III, shall have been finally revised and amended in accordance with all orders passed by the said officer or the Commissioner of the Division under these rules, the record shall be confirmed by an order of the Commissioner of the Division to be published in the *Calcutta Gazette*.

XII. From the date of the publication of such confirmation, the said record shall not be varied or altered otherwise than by an order of the Lieutenant Governor under Rule X, and such record shall be conclusive evidence as to any right, interest, or other matter which may be entered on it in accordance with the provisions of these rules.

Office Supdt. Govt. Printing.—No. 3029 L. C.—10-8-69. -2700.

ACT No. XVII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 11th August 1869.)

An Act to shorten the time for landing Cargo.

Preamble.

WHEREAS the Consolidated Customs' Act (No. VI of 1863), section fifty-two, provides that if the importer, owner or consignee of any goods (except as therein excepted), or his agent, shall not land such goods within fifteen working days after the entry of the vessel importing the same, or within such further period as the bill of lading of such vessel shall specify, the master or commander of the vessel, or the officers of customs on his application, may then carry such goods to the Custom House; And whereas it is expedient to shorten the period of fifteen working days so limited; It is hereby enacted as follows :—

New sections substituted for sections 52, 53 and 54 of Act VI of 1863

1. Sections LII, LIII and LIV of the said Act are hereby repealed, and in lieu thereof the following shall be substituted :—

Procedure in respect of goods not landed within time allowed.

"LII. If the importer, owner or consignee of any goods (except such as shall have been declared by the master or commander as not to be landed), or the agent of such importer, owner or consignee, shall not land such goods within such number of working days, not exceeding fifteen, after the entry of the vessel importing the same as the Local Government shall from time to time appoint by notification in the official Gazette, or within such further period as the bill of lading of such vessel shall specify,

the master or commander of the vessel, or the officers of customs on his application, may then carry such goods to the Custom House

The officer in charge of the Custom House shall thereupon take charge of and grant receipts for such goods;

and

PRICE TWO ANNAS.

and if notice in writing shall have been given that the goods are to remain subject to a lien for freight, primage, general average or other charges of a stated amount, he shall hold such goods until the said charges shall be paid.

And in case of goods being landed in time, with exception of only a small quantity.

"LIII. If the cargo of any vessel, with the exception of a small quantity only of goods, shall have been landed within the period so appointed, or such further period as the bill of lading shall specify, the officers of customs may, on the application of the master or commander of such vessel, direct that such remaining goods shall forthwith be carried in like manner to the Custom House.

Effect of not discharging cargo in any earlier period specified in the bill of lading.

"LIV. If any period earlier than the number of working days so appointed is specified in the bill of lading of such vessel for the discharge of her cargo or any part thereof, and if the importer, owner or consignee of such cargo, or his agent shall not land the same within such specified period, the master or commander of such vessel, or the officers of customs on his application, may then carry such goods to the Custom House.

The officer in charge of the Custom House shall thereupon take charge of and grant receipts for such goods;

and if notice in writing shall have been given that the goods are to remain subject to a lien for freight, primage, general average or other charges of a stated amount, he shall hold such goods until the said charges shall be paid."

This Act to be read with Act VI of 1863.

2. This Act shall be read with and taken as part of The Consolidated Customs' Act.

Office Supdt Govt. Printing.—No 3175 L C.—23-8-69.—3,200.

THE GENERAL STAMP ACT, 1869.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTION.

1. Short title.
   Extent of Act.
   Commencement of Act.
2. Repeal of enactments.
3. Interpretation-clause.

CHAPTER II.

STAMP-DUTIES CHARGEABLE UNDER THIS ACT.

4. Scheduled duties chargeable.
5. Duties how levied
   (*a.*) By adhesive stamps.
   (*b.*) By impressed stamps.
6. Duties by whom payable.
7. Duties on bills of exchange.
8. Bills drawn out of British India.
9. Instruments reserving interest.
10. Consideration expressed in foreign currency.
11. Optional stamps where value of subject-matter is indeterminate.
12. Bond, &c., for payment of annuity.
    Consideration an annuity.
13. Several instruments used in a single transaction.
14. Instruments coming within two or more of the definitions in section 3.
15. Instruments exempt from duty.
16. Power to lower rates of stamp-duty.
17. Saving of judicial stamp-duties.

CHAPTER III.

UNSTAMPED OR INSUFFICIENTLY STAMPED DOCUMENTS.

18. (*a.*) Instruments not duly stamped inadmissible in evidence.
    (*b.*) Except in criminal proceedings.
19. Foreign bill unstamped or with stamp uncancelled.

PRICE TEN ANNAS.

SECTION.

20. Powers of Civil Courts as to unstamped or insufficiently stamped instruments. Penalty.
21. (*a.*) Registration of payments and penalties levied by Civil Courts.
(*b.*) Returns to Collector.
(*c.*) Payments to Collector.
22. Impounding unstamped instruments in Civil or Criminal Courts.
23. Impounding unstamped instruments in public office.
24. (*a.*) Powers of Collector as to unstamped or insufficiently stamped instruments. Prosecution.
(*b.*) Remission of penalty.
25. Validity of instrument for which Collector levies penalty.
Loss of instruments sent under sections 22, 23, 24 or 25.
26. Power to stamp instruments chargeable with one anna.
27. (*a.*) Procedure where receipts are required.
(*b.*) Refusal to give receipts.
28. After-stamping when inadmissible.

CHAPTER IV.

CRIMINAL PENALTIES.

29. Penalty for executing instrument on paper not duly stamped.
30. Penalty for presenting, &c., unstamped foreign bills or notes.
31. Cancelling stamps on foreign bills by holder.
Penalty for failure to cancel such stamps.
32. Penalty for not drawing full number of bills or marine policies purporting to be in sets.
33. Cancellation of adhesive stamp by maker or executant.
Penalty for failure to cancel such stamps.
34. (*a.*) Consideration to be stated.
(*b.*) Mortgage-money to be deemed purchase-money.
(*c.*) Penalty for not stating consideration.
35. Penalty on attorneys, &c., not inserting true consideration
36. Abetment.
37. Recovery of fines.
38. Reward to informers.

CHAPTER V.

JURISDICTION.

39. Adjudication of doubt as to proper stamp.
40. Revision of Collector's certificates and orders.
41. Reference to High Court.
42. Power to remit penalties.

SECTION.

43. Institution and conduct of prosecutions.
44. Jurisdiction of Magistrate.

CHAPTER VI.

MISCELLANEOUS.

45. Refund in case of useless or spoiled stamped paper.
46. When stamped paper shall be held to be spoiled.
47. Suit where consideration is not stated.
48. Power to make rules for sale of stamps.
Approval and publication of rules.
Penalty for disobeying rules.
49. Employment of single impressed stamp.
50. Employment of several stamped papers.
51. Act to be translated, indexed and sold cheaply

SCHEDULES.

SCHEDULE I.—Instruments chargeable with *ad valorem* stamp-duties.
" II.—Instruments chargeable with fixed stamp-duties.
" III.—Enactments repealed by section 2.

INDEX.

ACT No. XVIII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th August 1869.)

An Act for imposing Stamp Duties on certain Instruments.

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called 'The General Stamp Act, 1869.'

Extent of Act.

It extends to the whole of British India.

Commencement of Act.

And it shall come into force on the first day of January 1870.

Repeal of enactments.

2. On and after that day, the enactments specified in the third schedule hereto annexed shall be repealed to the extent specified in the third column of the same schedule.

Interpretation-clause.

3. In this Act and the first and second schedules hereto annexed, unless there be something repugnant in the subject or context—

(1.) 'Affidavit' includes every declaration in writing, on oath or affirmation, made before a person authorized by law to administer an oath:

(2.) 'Award' includes every decision in writing by an arbitrator or umpire:

(3.) 'Bill of Exchange' includes a hundí and every other instrument (except a cheque) whereby a person is ordered to pay to another a specified sum of money:

(4.) 'Bill of Lading' includes every instrument signed by the owner of a ship or his agent, acknowledging the receipt of goods therein described, and undertaking

undertaking to deliver them at a port and to a person therein mentioned or indicated:

(5.) 'Bond' includes every instrument whereby a person obliges himself to pay money to another, on condition that the obligation shall be void if a specified act is performed, or is not performed, as the case may be:

(6.) 'Bottomry-bond' includes every instrument whereby the master of a sea-going ship borrows money on the security of the ship to enable him to prosecute her voyage:

(7.) 'Charter-party' includes every instrument (except an agreement for the hire of a tug steamer) whereby a ship or some principal part thereof is let for the specified purposes of the charterer:

(8.) 'Cheque' includes every instrument whereby a bank, banker, or person acting as a banker, is ordered to pay on demand a specified sum of money:

(9.) 'Collector' means, within the limits of the towns of Calcutta, Madras and Bombay, the Collector of Calcutta, Madras or Bombay, and, without those limits, the Collector of a District, and includes Deputy Commissioner or any officer having jurisdiction equivalent to that of a Collector of a District:

(10.) 'Composition-deed' includes every instrument executed by a debtor, whereby the debtor conveys his property for the benefit of his creditors, or whereby payment of a composition or dividend on their debts is secured to the creditors, or whereby provision is made for the continuance of the debtor's business, under the supervision of inspectors or under letters of license, for the benefit of his creditors:

(11.) 'Conveyance' means any instrument (except a transfer of a share in a Company or Association, a mortgage-deed, a settlement, a lease, an instrument of reconveyance of mortgaged property, a composition-deed, an instrument of gift, or an instrument of exchange or partition-deed, where no money is paid for equality of exchange or partition) by which property is conveyed *inter vivos*:

(12.) 'Counterpart' means the duplicate of a conveyance, settlement, mortgage-deed or lease, such duplicate not being executed by the grantor, settlor,

tlor, mortgagor or lessor, but by some other party to the instrument: it includes a kabúliyát in cases where a lease has been granted:

(13.) 'Dock-warrant' includes every instrument evidencing the title of any person therein named or his assign, or the holder thereof, to the property in any goods lying in or upon any dock, warehouse or wharf, such instrument being signed or certified by or on behalf of the company or person in whose custody such goods may be:

(14.) 'Impressed' includes 'printed' and 'lithographed:'

(15.) 'Lease' includes every instrument (not being a counterpart) by which one person lets or agrees to let, or takes or agrees to take, immoveable property to or from another:

(16.) 'Letter of Credit' includes every instrument by which one person requests another to give credit to the person in whose favour it is drawn:

(17.) 'Letter of License' includes every agreement between a debtor and his creditors that the latter shall, for a specified time, suspend their claims and allow the debtor to carry on business at his own discretion:

(18.) 'Mortgage-deed' includes every instrument evidencing a pledge of property for securing the payment of money:

(19.) 'Negotiable instrument' includes Bills of Exchange, Promissory Notes and Cheques:

(20.) 'Notarial act' means any instrument, endorsement, note or entry made or signed by a Notary Public in the execution of the duties of his office, and includes every like instrument, endorsement, note or entry made or signed by a consul, attorney, or other person authorized by law to act as a Notary Public:

(21.) 'Paper' includes vellum, parchment or any other material on which an instrument may be written:

(22.) 'Partition-deed' means any instrument whereby persons interested in immoveable property jointly, or in common, or as co-parceners, or as members

bers of an undivided Hindú family, divide or agree to divide such property in severalty, and includes a batwárá:

(23.) 'Policy of insurance' means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event: it does not include a policy on life:

(24.) 'Power of Attorney' includes every instrument (except a proxy) empowering a person to act in the stead of the person executing it:

(25.) 'Promissory Note' includes every instrument whereby the maker engages absolutely to pay a specified sum of money to another at a time therein limited, or on demand, or at sight:

(26.) 'Property' means property being in British India:

(27.) 'Protest' means a declaration in writing made by a Notary Public, or other person authorized to act as such, attesting the dishonour of a Bill of Exchange or Promissory-Note:

(28.) 'Protest of the Master of a ship' includes every declaration of the particulars of her voyage, drawn up by him with a view to the adjustment of losses, or the calculation of averages, and every declaration in writing made by him against the charterers or the consignees for not loading or unloading the ship:

(29.) 'Proxy' means an instrument whereby a person authorizes another to vote for him at a meeting:

(30.) 'Release' includes every instrument whereby a person renounces a claim upon another person or against any specified property:

(31.) 'Respondentia-bond' includes every instrument securing a loan on the cargo laden or to be laden on board a ship, and making repayment contingent on the arrival of the cargo at the port of destination: and

(32.) 'Settlement' means any instrument (other than a Will) whereby the destination or devolution of moveable or immoveable property is settled or agreed to be settled.

CHAPTER II.

CHAPTER II.

STAMP-DUTIES CHARGEABLE UNDER THIS ACT.

Scheduled duties chargeable.

4. For every instrument mentioned in the first and second schedules hereto, and executed in British India on or after the first day of January 1870,

or executed out of British India on or after that day, but relating to any property within British India,

there shall be payable to the Government of India, as stamp-duty, the amount indicated in the first or second schedule hereto annexed, to be the proper duty for such instrument.

Duties how levied.

By adhesive stamps.

5. (*a*).—All instruments chargeable under this Act with the duty of one anna, bills of exchange and promissory notes drawn or made out of British India, and transfers by endorsement of shares of Companies and Associations may (subject to the provisions hereinafter contained) be stamped with adhesive stamps.

By impressed stamps.

(*b*).—The stamp on every other instrument chargeable under this Act shall either be impressed on the paper whereon the instrument is written or be otherwise denoted by the Collector or the Superintendent of Stamps in accordance with such rules as the Governor General of India in Council may from time to time prescribe in this behalf.

Duties by whom payable.

6. In the absence of an agreement to the contrary, the expense of providing the proper stamp shall be borne—

1*st*.—In the case of any instrument mentioned in the first schedule to this Act (other than a policy of insurance, a mortgage-deed, a settlement, a conveyance, a lease, an instrument of exchange or partition-deed where money is paid for equality of exchange or partition, an appraisement or valuation, an award and a copy, duplicate or extract), by the person drawing, making, or executing such instrument:

2*nd*.—In the case of a policy of insurance, by the insured:

3*rd*.—In the case of a settlement, by the settlor:

4*th*.—In

4th.—In the case of a conveyance, mortgage-deed or lease, by the grantee, mortgagor or lessee:

5th.—In the case of a counterpart of a lease, by the lessor:

6th.—In the case of a partition-deed, by the parties thereto in proportion to their respective shares in the property comprised therein: and

7th.—In the case of an exchange where money is paid for equality of exchange, by the person paying such money.

Duties on bills of exchange.

7. The duty imposed by this Act on bills of exchange shall be chargeable (*a*) on all bills drawn and payable in British India, (*b*) on all bills drawn in, but payable out of, British India, and (*c*) on all bills drawn out of, but accepted, or paid, or endorsed, transferred, or otherwise negotiated within, British India.

Bills drawn out of British India.

8. The holder of any bill of exchange or promissory note drawn or made out of British India, and not stamped as required by this Act, shall, before he presents the same for acceptance or for payment, or endorses, transfers, or otherwise negotiates such bill or note, affix thereto the proper adhesive stamp or stamps for denoting the duty with which it is chargeable under this Act.

Instruments reserving interest.

9. Where interest is expressly made payable by the terms of an instrument, such instrument shall not be chargeable with a duty higher than that with which it would have been chargeable had no mention of interest been made therein.

Consideration expressed in foreign currency.

10. When the consideration set forth in or the amount secured by any instrument chargeable under this Act is expressed in pounds sterling, pounds currency, francs or dollars, such consideration or amount shall, for the purposes of this Act, be estimated according to the following scale:—

One pound sterling or pound currency is equivalent to ten rupees.

One hundred francs are equivalent to forty rupees.

One Mexican or China dollar is equivalent to two rupees four annas.

One Mauritius dollar is equivalent to two rupees.

11. When

11. When the amount or value of the subject-matter of any bond, mortgage-deed or settlement chargeable under this Act with an *ad valorem* stamp-duty and referred to or mentioned in section six cannot be ascertained, the proper stamp to be borne by such instrument may be determined by the person bound under that section to bear the expense of providing the stamp :

Optional stamps where value of subject-matter is indeterminate.

Provided that, under such instrument, nothing shall be recoverable more than the highest amount or value for which, if stated in an instrument of the same denomination, the stamp actually used under such option would have been sufficient.

12. The whole amount secured for the payment of an annuity, or other sum payable periodically for an indefinite time, by a bond, promissory note, or mortgage-deed shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Bond, &c., for payment of annuity.

Where the consideration for a conveyance is an annuity or other sum payable periodically for an indefinite time, such consideration shall, for the purposes of this Act, be deemed to be ten times the amount of the payment calculated for one year.

Consideration an annuity.

13. Where more instruments than one are required for the completion of any transaction involving the execution of a mortgage-deed, settlement, conveyance or lease, the proper stamp required by this Act for such mortgage-deed, settlement, conveyance, or lease, shall be borne by the principal instrument executed in such transaction, and each of the other instruments shall bear a stamp of one rupee.

Several instruments used in a single transaction.

The parties may determine for themselves which of such instruments shall for the purposes of this section be deemed to be the principal instrument : Provided that, where the instruments are liable to different rates of duty under this Act, the instrument liable to the highest of such rates shall be deemed to be the principal instrument.

14. An instrument so framed as to come within two or more of the definitions in section three shall, when the instruments to which those definitions apply are liable to different rates of duty under this Act, be charged with the highest of such rates :

Instruments coming within two or more of the definitions in section 3.

Provided

Provided that when any one instrument purports, for distinct considerations, to convey by way of sale, to lease, to give, or to mortgage two or more subject-matters,

or to convey by way of sale, to lease, or to give one subject-matter and to mortgage another,

such instrument shall be chargeable with the aggregate amount of the duties to which instruments effecting separately each of such conveyances, leases, gifts, or mortgages would be liable under this Act.

Instruments exempt from duty.

15. Nothing in this Act shall render the following instruments chargeable with duty :—

(1.) Receipt or discharge granted to a cultivator for the rent of land paying revenue to Government, or (in the Presidencies of Madras and Bombay) of inám lands.

(2.) Receipt given for money or securities for money deposited in any bank or in the hands of any banker or person acting as a banker to be accounted for:

Provided the same be not expressed to be received of or by the hands of any other than the person to whom the same is to be accounted for:

Provided further, that this exemption shall not extend to a receipt or acknowledgment for any sum paid or deposited for or upon a letter of allotment of a share or in respect of a call upon any scrip or share of or in any Company or Association or proposed or intended Company or Association.

(3.) Receipt or discharge endorsed on or contained in any instrument duly stamped according to the law in force in British India at the date of its execution, acknowledging the receipt of the consideration-money therein expressed, or the receipt of any principal money, interest or annuity or other periodical payment, thereby secured.

(4.) Transfer by endorsement of a negotiable instrument or a policy of marine insurance or of insurance against fire.

(5.) Letters of hypothecation accompanying a bill of exchange.

(6.) Transfers of securities of the Government of India.

(7.) Bond

(7.) Bond to Government for the due performance of the duties of any salaried office.

(8.) Agreement or memorandum of an agreement for or relating to the sale of goods or merchandize.

(9.) Lease granted to a cultivator, unless a fine or premium be paid in consideration of such lease.

(10.) Counterpart of such lease.

(11.) Surrender of land executed by a cultivator to his landlord.

(12.) Affidavit made for the sole purpose of enabling any person to receive any pension or charitable allowance.

(13.) Copy of any paper which a public officer is by law required to make or furnish in his official capacity.

(14.) Copies made for the private use only of any person having the custody of the original instrument or of his counsel, attorney or vakíl.

(15.) Receipt or other instrument executed by or on behalf of Government, in cases where the Government would, but for this exemption, be liable to pay for the stamp thereon.

(16.) Letter of cover or engagement to issue a policy of insurance:

Provided that, unless such letter or engagement bear the stamp prescribed by this Act for such policy of insurance, nothing shall be recoverable thereunder, nor shall it be available for any purpose except to compel the delivery of the policy therein mentioned.

Power to lower rates of stamp-duty.

16. The Governor General of India in Council may, from time to time, by order published in the *Gazette of India,* reduce or remit in the whole or any part of British India, the duties chargeable under this Act on all or any of the instruments mentioned in the first and second schedules hereto annexed, or on any particular class of such instruments, or on any of the instruments belonging to such class, or on any of the instruments mentioned in the said schedules when executed or granted by or to any particular class of persons, or by or to any members of such class,

and

and may in like manner cancel or vary such order to the extent of the powers hereby given.

Every such cancelment or variation shall be published in the *Gazette of India.*

17. Nothing in this chapter or in the schedules hereto annexed, shall be deemed to affect the stamp-duties chargeable under Act No. XXVI of 1867, section six, or under any other enactment relating to stamps used in judicial proceedings.

Saving of judicial stamp-duties.

CHAPTER III.

UNSTAMPED OR INSUFFICIENTLY STAMPED DOCUMENTS.

18. *(a).*—No instrument chargeable with stamp-duty shall be received in any court of justice, or by any person having by law or consent of parties authority to receive evidence, as creating, modifying, transferring or extinguishing, or purporting to create, modify, transfer or extinguish, any right or obligation,

Instruments not duly stamped inadmissible in evidence.

or as evidence in any civil proceeding,

or shall be acted upon in any such court, or by any such person as aforesaid, or by any public officer,

or shall be registered by any officer acting under any law for the registration of assurances or in any public office,

or shall be authenticated by any public officer,

unless such instrument bears a stamp of a value not less than the amount of the duty with which it is chargeable under the law in force in British India at the time of its execution.

(b.)—Every instrument chargeable with stamp-duty shall be admitted in evidence in any criminal proceeding (other than proceedings under chapter XXII of the Code of Criminal Procedure), although it may not have the stamp required by law impressed thereon or affixed thereto.

Except in criminal proceedings.

19. Subject

19. Subject to the provisions contained in section twenty-six, no person taking a bill of exchange or promissory note requiring a stamp under section eight, either in payment or as a security, or by purchase or otherwise, shall be entitled to recover thereon, or to make the same available for any purpose, unless at the time when he so takes it, the proper stamp is affixed thereto and cancelled in manner directed by this Act.

Foreign bill unstamped or with stamp uncancelled.

20. When any instrument chargeable with stamp-duty executed on paper not bearing the stamp required by the law in force in British India at the time of its execution is produced in a Civil Court, the Court, if satisfied that the omission to execute such instrument on paper bearing the proper stamp, did not arise out of any intention to evade payment of the proper duty, and on payment of such duty, or, in the case of an insufficiently stamped instrument, of the sum required to make up the full amount chargeable on such instrument,

Powers of civil courts as to unstamped or insufficiently stamped instruments.

together with a penalty of the following amount (that is to say) :—

if the instrument is produced within one year from the date of its execution, five times, or if it is produced after one year from such date, twenty times, such proper stamp-duty or deficient portion thereof as aforesaid,

Penalty.

shall certify by endorsement on such instrument that the proper stamp-duty has been levied thereon:

Provided that no such penalty shall exceed one thousand rupees.

Such certificate shall be conclusive evidence as to the amount of stamp-duty leviable on such instrument, and the said instrument shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

21. *(a.)*—An entry of every such payment showing the amount thereof shall be made in a book to be kept by the Court, and shall also be endorsed on the instrument in respect of which the payment is made, and such endorsement shall be signed by the presiding officer.

Registration of payments and penalties levied by civil courts.

(b.)—The Court shall at the end of every month make a return to the Collector of the money (if any) which it has so received, distinguishing between the sums received by way of penalty and

Returns to Collector.

and the sums received by way of duty, stating the number and title of the suit, the name of the party from whom the money was received, and the date (if any) and description of the instrument.

Payments to Collector.

(c.)—The Court shall pay over all money so received to the Collector or to such person as he may from time to time appoint to receive the same.

Impounding unstamped instruments in civil or criminal courts.

22. If it appear to a Civil or Criminal Court that any instrument filed or exhibited in such Court was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the stamp-duty required by the law in force in British India at the time of its execution, the Court may impound the instrument and send it to the Collector, and he shall thereupon prosecute the offender.

Impounding unstamped instruments in public office.

23. When any instrument is produced before any registering officer, or in any public office other than a Civil or Criminal Court, if it appear to the registering officer or to the head of such public office that the instrument is chargeable with stamp-duty under the law in force in British India at the time of its execution, but that it does not bear a stamp of a value equal to or exceeding the value of the stamp prescribed therefor by that law, he shall impound the instrument, and send it forthwith to the Collector.

Powers of Collector as to unstamped or insufficiently stamped instruments.

Prosecution.

24. *(a.)*—When any instrument is produced before the Collector, otherwise than for the purpose of obtaining an adjudication under section thirty-nine, or has been sent to him under section twenty-three, he shall either proceed in accordance with the provisions of section twenty, exercising the powers thereby conferred on a Civil Court; or if it appear to him that the instrument was executed on unstamped or insufficiently stamped paper with the intention of evading payment of the proper stamp-duty, he shall prosecute all the persons that have executed the said instrument or such of them as to him may seem fit;

or if it appear to him that the instrument is properly stamped, or that it is not chargeable with stamp-duty under the law in force in British India at the time of its execution, he shall certify by endorsement thereon that it is properly stamped, or that it is not so chargeable (as the case may be); and he shall thereupon

upon return such instrument to the registering or other public officer by whom it was sent, or to the person by whom it was produced, and, subject to the provision contained in section forty, it shall be deemed to be properly stamped or not chargeable (as the case may be):

Remission of penalty.

(*b.*)—Provided that, in any case coming under this section, if the instrument is brought within one year from the date of its execution to the Collector, or other public officer by whom it has been sent to the Collector under section twenty-three, and if the Collector is satisfied that such instrument has not been duly stamped previously to being signed or executed by reason of accident, mistake, inadvertence or urgent necessity, he may remit the whole or any part of the penalty prescribed by section twenty:

(*c.*)—Provided also that, in any case coming under this section in which an instrument, other than a bill of exchange or promissory note, purports to have been executed out of British India, if the Collector is satisfied that the instrument was so executed, and also that it has been brought to him within the three months next after its arrival in British India, he shall, on payment of the duty with which such instrument would have been chargeable if executed in British India, certify by endorsement thereon that the proper stamp-duty has been levied upon it.

(*d.*)—Subject to the provision contained in section forty, such certificate shall be conclusive evidence of the amount of stamp-duty leviable on the instrument, which shall thereupon be admissible as if originally executed on paper bearing the proper stamp.

Validity of instrument for which Collector levies penalty.

25. When the Collector elects to proceed under section twenty, he shall (if he imposes a penalty), after endorsing on the instrument the certificate thereby directed, or (if he remits the whole of the penalty) after endorsing on the instrument a certificate to that effect, return such instrument to the registering or other public officer by whom it was sent or to the person by whom it was produced.

Subject to the provision contained in section forty, the said instrument shall thereupon be, and be deemed to have been, as valid as if it was originally executed on paper bearing the proper stamp.

In

Loss of instruments sent under sections 22, 23, 24 or 25.

In case any instrument sent or returned under sections twenty-two, twenty-three, or twenty-four, or the former part of this section, be lost, destroyed or injured during transmission, the Court or officer sending or returning the same shall not be liable for such loss, destruction or injury.

Power to stamp instruments chargeable with one anna.

26. *(a.)*—When any bill of exchange, promissory note, cheque or order for the payment of money on demand by any banker or person acting as a banker, chargeable hereunder with the duty of one anna, comes to his hands unstamped, he may affix thereto the necessary adhesive stamp, and cancel the same in the manner required by this Act, and upon so doing, may charge the duty against the person who ought to have paid the same, or deduct such duty from the sum so directed to be paid.

(*b.*)—Such bill, note, cheque, or order shall, so far as relates to the stamp-duty chargeable thereon, be valid; but this shall not relieve any person or firm from liability to the penalty which he or it may have incurred by issuing or giving the said bill, note, cheque, or order unstamped.

Procedure where receipts are required.

27. (*a.*)—Any person, or the agent of any person, from whom money exceeding in amount twenty rupees is due or claimed to be due, and who shall have paid such money, may provide a piece of paper with an adhesive stamp of one anna affixed thereto, and may require of the person entitled to such money, or any agent to whom the same shall have been paid, a receipt for such money and also the value of the said stamp.

Refusal to give receipts.

(*b.*)—If any one to whom money shall have been so paid refuses to give such receipt upon demand thereof, or to pay the value of the said stamp thereon, he shall be liable for every such offence to a fine not exceeding one hundred rupees.

After-stamping when inadmissible.

28. Except as provided in sections eight and twenty-six, no stamp shall be affixed to, or impressed on, any bill of exchange, or promissory note, or any instrument chargeable hereunder with the duty of one anna, subsequent to the execution thereof, nor shall the provisions of sections twenty and twenty-four apply to any such instrument.

CHAPTER IV.

CHAPTER IV.

Criminal Penalties.

Penalty for executing instrument on paper not duly stamped.

29. Any person or firm making, signing or issuing or, except as provided in section twenty-six, accepting, endorsing, paying or receiving payment of any bill of exchange, promissory note, cheque or other similar instrument liable to any of the duties hereby imposed, without the same being duly stamped,

and any person making, executing or signing otherwise than as a witness any other instrument liable to any of such duties without the same being duly stamped,

shall, for every such offence, be liable to fine not exceeding one hundred rupees,

or, if ten times the value of the proper stamp exceeds one hundred rupees, to fine not exceeding ten times such value,

or, where an insufficient stamp has been used, if ten times the deficient amount exceeds one hundred rupees, to fine not exceeding ten times such amount.

Penalty for presenting, &c., unstamped foreign bills or notes.

30. Any person or firm presenting for acceptance or for payment, or accepting, paying, endorsing, transferring or in any manner negotiating any bill of exchange or promissory note drawn or made out of British India whereon there is not such stamp as is required by this Act, shall be liable for every such offence to fine not exceeding one hundred rupees.

Cancelling stamps on foreign bills by holder.

31. Any person or firm presenting for acceptance or payment a bill of exchange or promissory note to which an adhesive stamp has been affixed under section eight,

and any person or firm endorsing, transferring, or in any manner negotiating such bill or note,

shall, before delivering the same out of his or its hands, custody or power, cancel the stamp so affixed,

in such manner as to show that the stamp has been made use of, and so that the same shall not admit of being used again.

Any

Penalty for failure to cancel such stamps.

Any person or firm who or which ought, as directed by this Act, to cancel such stamp in manner aforesaid, and refusing or neglecting so to do, shall be liable for every such offence to fine not exceeding one hundred rupees.

Penalty for not drawing full number of bills or marine policies purporting to be in sets.

32. Any person or firm drawing or executing within British India a bill of exchange or a policy of marine insurance purporting to be drawn or executed in a set of two or more, and not at the same time drawing or executing on paper duly stamped as required by this Act the whole number of bills or policies of which such bill or policy purports the set to consist, shall, for every such offence, be liable to fine not exceeding one thousand rupees.

Cancellation of adhesive stamp by maker or executant.

33. Whenever an adhesive stamp is used as hereinbefore authorized, the person making or executing the instrument to which such stamp is affixed shall, before delivering the instrument out of his hands, custody or power, cancel the stamp so used so that it cannot be used again.

Penalty for failure to cancel such stamps.

Any person making or executing such instrument and failing to cancel the stamp affixed thereto in manner aforesaid shall, for every such offence, be liable to fine not exceeding one hundred rupees.

Consideration to be stated.

34. (*a.*)—When any moveable or immoveable property is sold, the full consideration-money directly or indirectly paid or secured, or agreed to be paid or secured, for the same, shall be truly set forth in words at length in the principal or only instrument whereby the property sold is conveyed to, or vested in, the purchaser or in any other person by his direction.

Mortgage-money to be deemed purchase-money.

(*b.*)—When any property is sold and conveyed subject to any mortgage or bond or other debt, or to any gross or entire sum of money, such debt or sum shall be deemed the consideration-money or part of the consideration-money (as the case may be) in respect whereof the duty chargeable under the first schedule to this Act shall be paid,

notwithstanding the purchaser is not or does not become personally liable for such debt or sum,

or

or does not agree to pay the same or to indemnify the seller against the same.

(c.)—If the full consideration-money is not set forth as aforesaid, the purchaser and the seller shall each be liable to fine not exceeding five hundred rupees, and shall also pay a fine of five times the amount of the excess of duty with which such instrument would have been chargeable under this Act, if the full consideration-money had been duly set forth in such instrument, in addition to the duty actually paid for the same.

Penalty for not stating consideration.

35. Any attorney, vakíl, pleader, mukhtár or other person employed in or about the preparing of any instrument in or upon which the full consideration-money is hereby required to be truly set forth,

Penalty on attorneys, &c., not inserting true consideration.

or employed for any of the parties thereto in anywise about or relating to the transaction therein mentioned,

who knowingly inserts or sets forth, or causes to be inserted or set forth, in or upon any such instrument any other than the full consideration-money,

shall, for every such offence, pay a fine not less than five hundred rupees and not exceeding five thousand rupees.

Every attorney, vakíl, pleader and mukhtár convicted under this section shall, from the date of such conviction, be disabled to practise as an attorney, vakíl, pleader or mukhtár :

Provided that no person shall be liable to any penalty or disability under this section, unless the duty actually paid for the instrument is less than would have been payable for the same in case the consideration-money had been truly set forth as aforesaid.

36. Whoever abets within the meaning of the Indian Penal Code any offence made punishable by this Act shall be punished with the punishment hereinbefore provided for such offence.

Abetment.

37. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of

Recovery of fines.

of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

In the case of a firm, the Magistrate imposing the fine may issue a warrant for the levy of the amount by distress and sale of any moveable property belonging to the firm, or to all or any of the members thereof.

Reward to informers.

38. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half to the person on whose information the offender has been convicted.

CHAPTER V.

JURISDICTION.

Adjudication of doubt as to proper stamp.

39. When any instrument chargeable with stamp-duty under this Act, whether previously stamped or not, is brought to the Collector, and the person bringing it desires to have the opinion of that officer as to the duty with which it is so chargeable, and pays a fee of five rupees, the Collector shall assess and charge the duty to which, in his judgment, the instrument is liable ; and upon payment of such duty or of such a sum as, with the duty already paid thereon, is equal to the duty so assessed and charged, and of the penalty, if any, incurred through the instrument having been executed on insufficiently stamped paper, shall certify by endorsement on such instrument that the full duty with which it is chargeable under this Act has been paid.

The instrument shall thereupon be deemed to be duly stamped and shall be receivable in evidence or otherwise in all courts and public offices as if originally executed on paper bearing the proper stamp :

Provided that nothing contained in the former part of this section shall authorize the Collector to make any such endorsement on bills of exchange, promissory notes or instruments chargeable with the stamp-duty of one anna when brought to him on unstamped or insufficiently stamped paper subsequent to the drawing or execution thereof.

40. All

40. All certificates and orders of the Collector under this Act shall be open to revision on appeal or otherwise by the chief controlling Revenue Authority to which the Collector is subordinate:

Revision of Collector's certificates and orders.

Provided that no order passed on such revision shall invalidate any registration or other proceeding previously made or taken of or upon an instrument endorsed by the Collector under section twenty-four or section twenty-five.

41. *(a.)*—The chief controlling Revenue Authority may state any case coming before it under this Act and refer such case with its own opinion thereon, if the case arise in the Presidency of Fort Saint George or the Presidency of Bombay, to the local High Court, and if it arise in any other part of British India, to the High Court at Fort William.

Reference to High Court.

(b.)—Every such case shall be decided by at least three Judges of the High Court to which it is referred, and in case of difference the opinion of the majority shall prevail.

(c.)—If the High Court is not satisfied that the statements contained in the case are sufficient to enable it to determine the questions raised thereby, the Court may refer the case back to the Revenue Authority by which it was stated to make such additions thereto or alterations therein as the Court may direct in that behalf.

(d.)—The High Court upon the hearing of any such case shall decide the questions raised thereby and shall deliver its judgment thereon containing the grounds on which such decision is founded; and it shall send to the Revenue Authority by which the case was stated, a copy of such judgment under the seal of the Court and the signature of the Registrar, and the Revenue Authority shall, on receiving the same, dispose of the case conformably to such judgment.

42. The chief controlling Revenue Authority may, upon petition, remit wholly or in part any penalty imposed under this Act.

Power to remit penalties.

43. All prosecutions in respect of any offence punishable by this Act, shall be instituted and conducted by the Collector or such other officer as the Local Government generally or the Collector specially authorizes in that behalf.

Institution and conduct of prosecutions.

44. Offences

44. Offences punishable under this Act may be tried within the limits of the towns of Calcutta, Madras and Bombay by a Magistrate of Police, and beyond those limits by the Magistrate of the District or a person exercising the powers of a Magistrate (as defined in the Code of Criminal Procedure) or of a Subordinate Magistrate of the first class:

Jurisdiction of Magistrate.

Provided that, in imposing penalties under this Act, no such person shall exceed the limits of jurisdiction prescribed for him by the said Code.

CHAPTER VI.

MISCELLANEOUS.

45. If any person possessing any stamped paper which has been obtained in the manner allowed by this Act or Act No. X of 1862 *(to consolidate and amend the law relating to stamp duties)*, or any paper on which the stamp has been denoted by the Collector or the Superintendent of Stamps, does not require the same for use,

Refund in case of useless or spoiled stamped paper.

or if the paper so possessed becomes spoiled or unfit for use as hereinafter mentioned,

the Collector of the District in which the paper has been purchased may, upon application made to him within one year after such purchase, and upon delivery to him of such paper, refund the amount paid to Government for the same, whether by the applicant or any other person;

or in case the owner of the paper so spoiled or unfit for use, desires to be supplied with stamped paper of similar or equal value, the Collector may cause such paper to be delivered to him or his agent upon payment of the value of the paper on which the new stamp or stamps shall be impressed.

46. Stamped paper and paper on which the stamp has been denoted by the Collector or the Superintendent of Stamps, shall be held to be spoiled or unfit for use within the meaning of section forty-five when—

When stamped paper shall be held to be spoiled.

by accident happening to the same before any writing thereupon has been finally signed and executed, it is rendered unfit for use;

or

or when, because of some error in the drawing up or copying of any writing thereon, discovered before such writing has been finally signed and executed, it is rendered of no avail;

or when, by reason of death or refusal of the party whose signature may be necessary to effect the transaction intended by such writing, it remains incomplete and of no avail;

or when, by refusal of any office or trust granted by a writing thereon, it has failed of the purpose intended;

or when, by reason of failure of consideration, the transaction intended to be effected or evidenced by a writing thereon cannot be effected or evidenced;

or when the transaction intended to be effected by a writing thereon has been effected by some other instrument duly stamped;

or when, in the case of a negotiable instrument, such instrument is, by reason of non-delivery to the payee or person acting in his behalf, or other cause, never brought into use;

or when, in the case of a bill of exchange other than a bill drawn in a set, it has not been presented for acceptance or payment.

Suit where consideration is not stated.

47. Where in case of a sale, or an exchange upon which money is paid for equality of exchange, or a lease for a premium, the full consideration-money is not truly set forth in the manner hereby directed, the purchaser, or the person paying money for equality of exchange, or the lessee (as the case may be), or his representative in interest, may sue for and recover back from the seller, or the person receiving such money, or the lessor (as the case may be), or his representative in interest, so much of the consideration-money as is not set forth as aforesaid, or the whole thereof, if no part of the same is so set forth;

and in such suit, notwithstanding anything hereinbefore contained, the conveyance, instrument of exchange, or lease shall be admissible in evidence.

Power to make rules for sale of stamps.

48. Every Local Government shall frame rules for regulating the sale of stamps and stamped paper required by this Act or by Act No. XXVI of 1867 (*to amend the law relating to stamp duties*) for determining the persons by whom such sale is to be conducted,

the Court Act, 18

conducted, and for fixing the remuneration of such persons within the territories subject to its control; and may from time to time alter and add to such rules.

Approval and publication of rules.

Such rules, alterations and additions shall, when approved by the Governor General of India in Council, and after publication in the local official Gazette, have the force of law.

Penalty for disobeying rules.

Any person appointed to sell such stamps and stamped paper, who knowingly disobeys any such rule, shall be punished with simple imprisonment for a term which may extend to six months, or with fine not exceeding five hundred rupees, or with both.

Employment of single impressed stamp.

49. When an impressed stamp is used under section five to denote the amount of duty with which any instrument is chargeable, such amount shall be denoted by a single stamp, except when such amount exceeds one thousand rupees, in which case it may be denoted by two or more impressed stamps of which the aggregate amount is the amount so required:

Provided that, when a single impressed stamp of any amount less than one thousand rupees is not procurable on application to the Collector or stamp-vendor appointed under section forty-eight, it shall be lawful, on such officer making a certificate to that effect, for the person requiring such stamp to denote the amount by two or more impressed stamps, of which the aggregate amount is the amount so required.

Employment of several stamped papers.

50. When more stamped papers than one are used under section forty-nine for an instrument chargeable with stamp-duty under this Act, each paper so used shall contain a part of the instrument.

Act to be translated, indexed and sold cheaply.

51. Every Local Government shall cause this Act and the schedules hereto annexed to be carefully translated into the principal vernacular languages of the territories subject to its control.

A full alphabetical index shall be added to every such translation, and the translation and index shall be printed and sold to the public at a price not exceeding four annas per copy.

SCHEDULE I.

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty. If drawn singly. Rs. A. P.	If drawn in set of two, for each part of the set. Rs. A. P.	If drawn in set of three, for each part of the set. Rs. A. P.
1. BILL OF EXCHANGE PAYABLE OTHERWISE THAN ON DEMAND ...	When the amount of the bill or note does not exceed Rs. 100	0 1 0	0 1 0	0 1 0
	And when the amount exceeds Rs. 100 but does not exceed Rs. 200 ...	0 2 0	0 1 0	0 1 0
	" " 200 " " 300 ...	0 3 0	0 2 0	0 1 0
	" " 300 " " 600 ...	0 6 0	0 3 0	0 2 0
	" " 600 " " 900	0 9 0	0 5 0	0 3 0
	" " 900 " " 1,200 ..	0 12 0	0 6 0	0 4 0
2. PROMISSORY NOTE PAYABLE OTHERWISE THAN ON DEMAND ...	" " 1,200 " " 1,500	0 15 0	0 8 0	0 5 0
	" " 1,500 " " 2,500 .	1 8 0	0 12 0	0 8 0
	For every Rs. 2,500 or part thereof in excess of Rs. 2,500 up to Rs. 10,000	1 8 0	0 12 0	0 8 0
	For every Rs. 5,000 or part thereof in excess of Rs. 10,000 up to Rs. 30,000	3 0 0	1 8 0	1 0 0
	And for every Rs. 10,000 or part thereof in excess of Rs. 30,000 ..	6 0 0	3 0 0	2 0 0

		If drawn singly. Rs. A. P.	If drawn in duplicate, then for each part. Rs. A. P.
3. POLICY OF INSURANCE ...	When the amount insured does not exceed Rs. 1,000	0 4 0	0 2 0
	And for every further sum of Rs. 1,000 insured or for every part thereof	0 4 0	0 2 0

SCHEDULE I—*(continued).*

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.
		Rs. A. P.
4. *TRANSFER OF A SHARE IN A COMPANY OR ASSOCIATION ...	When the amount paid for such share does not exceed Rs. 100 ...	0 4 0
	For every Rs. 100 of such amount or part thereof in excess of Rs. 100 up to Rs. 1,000	0 4 0
	And for every Rs. 500 of the same or part thereof in excess of Rs. 1,000	1 4 0
5. BOND FOR ANY SPECIFIED AMOUNT, OTHER THAN AN ADMINISTRATION BOND ...	When the amount secured does not exceed Rs. 25	0 2 0
	When such amount exceeds Rs. 25 but does not exceed Rs. 50 ...	0 4 0
	" " " 50 " " " 100 ..	0 8 0
6. BOTTOMRY-BOND...	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000	0 8 0
	" " 500 " " " " 1,000 " " 10,000	2 8 0
7. RESPONDENTIA-BOND ...	" " 1,000 " " " " 10,000 " " 30,000	2 8 0
	And for every Rs. 10,000 or part thereof in excess of " 30,000	12 8 0
8. CUSTOMS-BOND ...	(*a*). When the amount secured does not exceed Rs. 1,000 ...	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(*b*). When such amount exceeds Rs. 1,000	Five Rupees.

9. INDEMNITY-BOND	(a).	When the amount secured does not exceed Rs. 3,000	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(b).	When such amount exceeds Rs. 3,000 or is not expressed ...	Sixteen Rupees.
10. MORTGAGE-DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS NOT GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION ...		... ...	The stamp-duty with which a Bond for the amount secured is chargeable (No. 5).
11. INSTRUMENT OF FURTHER CHARGE ON SUCH PROPERTY, WHETHER BY INDORSEMENT OR OTHERWISE ...			
12. BOND OR MORTGAGE-DEED FOR THE DUE EXECUTION OF AN OFFICE, OR TO ACCOUNT FOR MONEY RECEIVED BY VIRTUE THEREOF... ...	(a).	When the amount secured does not exceed Rs. 3,000... ...	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(b).	When such amount exceeds Rs. 3,000 or the amount is not expressed	Sixteen Rupees.
13. ASSIGNMENT OF ANY INTEREST SECURED BY A BOND OR MORTGAGE-DEED ...	(a).	When the amount of such interest does not exceed Rs. 3,000 ...	The stamp-duty with which a Bond for such amount is chargeable (No. 5).
	(b).	In any other case	Sixteen Rupees.

NOTE.—The stamp-duty chargeable on the instrument marked * may be denoted by an adhesive stamp when the transfer is made by endorsement.

SCHEDULE I—*(continued)*.

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.		
14. SETTLEMENT ...		The stamp-duty with which a Bond for the amount or value of the property thereby settled is chargeable (No. 5).		
15. CONVEYANCE ...		Rs.	A.	P.
16. MORTGAGE-DEED, WHEN POSSESSION OF THE PROPERTY COMPRISED THEREIN IS GIVEN BY THE MORTGAGOR AT THE TIME OF EXECUTION ...	When the amount paid or secured does not exceed Rs. 50 ...	0	8	0
	When such amount exceeds Rs. 50 but does not exceed Rs. 100 ...	1	0	0
17. INSTRUMENT OF FURTHER CHARGE ON SUCH PROPERTY, WHETHER BY INDORSEMENT OR OTHERWISE ...	For every Rs. 100 or part thereof in excess of Rs. 100 up to Rs. 1,000	1	0	0
	" " 500 " " " 1,000 " 10,000	5	0	0
	" " 1,000 " " " 10,000 " 30,000	5	0	0
	" " 10,000 " " " 30,000 " 1,00,000	50	0	0
	" " 20,000 " " " 1,00,000 ...	75	0	0
18. INSTRUMENT OF EXCHANGE OR PARTITION OF IMMOVEABLE PROPERTY WHEN MONEY IS PAID FOR EQUALITY OF EXCHANGE OR PARTITION ...	...	The stamp-duty with which a conveyance for the amount so paid is chargeable (No. 15), in addition to the stamp-duty with which an instrument of exchange of immoveable property or a partition-deed is chargeable under schedule II.		

19. LEASE ...	(a). Where the lease is expressed to be for a term of less than one year	The stamp-duty with which a Bond (No. 5) for the total amount payable under such lease is chargeable.
	(b). Where the lease is expressed to be for a term of not less than one year but not more than three years	The stamp-duty with which a Bond for the total amount payable under such lease during the first year of the term is chargeable.
	(c). Where the lease is expressed to be for a term exceeding three years, or where no term is expressed	The stamp-duty with which a conveyance for the total amount payable under such lease during the first year of the term is chargeable.
	(d). Where the lease is granted in consideration of a fine or premium and where no rent is reserved	The stamp-duty with which a conveyance for the amount so paid is chargeable.
	(e). Where the lease is granted in consideration of a fine or premium and also of a rent	The stamp-duty with which a conveyance for the amount of the fine or premium is chargeable, in addition to the stamp-duty with which the lease would be chargeable in case no such fine or premium had been paid.
20. SURRENDER OF LEASE ...	(a). Where the amount of stamp-duty chargeable on the lease does not exceed Rs. 16	The stamp-duty with which the lease is chargeable (No. 19).
	(b). In any other case	Sixteen Rupees.

SCHEDULE I—(*continued*).

Instruments chargeable with ad valorem Stamp-duties.

Description of Instruments.		Proper Stamp-duty.
21. APPRAISEMENT OR VALUATION— Of any property or of any interest therein Or of the annual or monthly value thereof ... ... Or of any repairs wanted ... ... Or of the materials used or to be used in any building .. Or of any Artificer's work	(*a*). Where the amount of such appraisement or valuation does not exceed Rs. 500	Eight Annas.
	(*b*). Where it exceeds Rs. 500	One Rupee.
22. AWARD ...	(*a*). Where the amount or value of the property in dispute expressed in such award does not exceed Rs. 500	Eight Annas.
	(*b*). Where such amount or value exceeds Rs. 500, or where no amount or value is expressed in the award	One Rupee.

23. COPY, DUPLICATE OR EXTRACT, ATTESTED TO BE A TRUE COPY, DUPLICATE OR EXTRACT ...	(a). If the duty chargeable on the original does not exceed Rs. 5, or if no duty is chargeable on the original	Eight Annas.
	(b). If the duty chargeable on the original exceeds Rs. 5, but does not exceed Rs. 20...	One Rupee.
	(c). If such duty exceeds Rs. 20, but does not exceed Rs. 50 ...	Two Rupees.
	(d). If such duty exceeds Rs. 50	Four Rupees.

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000.

When the amount exceeds		but does not exceed	Proper Stamp-duty. If drawn singly.		If drawn in sets of two, for each part of the set.		If drawn in sets of three, for each part of the set.	
Rs.	...	Rs. 100	Rs. 0	A. 1	Rs. 0	A. 1	Rs. 0	A. 1
100	...	200	0	2	0	1	0	1
200	...	300	0	3	0	2	0	1
300	...	600	0	6	0	3	0	2
600	...	900	0	9	0	5	0	3
900	...	1,200	0	12	0	6	0	4
1,200	...	1,500	0	15	0	8	0	5
1,500	...	2,500	1	8	0	12	0	8
2,500	...	5,000	3	0	1	8	1	0
5,000	...	7,500	4	8	2	4	1	8
7,500	...	10,000	6	0	3	0	2	0
10,000	...	15,000	9	0	4	8	3	0
15,000	...	20,000	12	0	6	0	4	0
20,000	...	25,000	15	0	7	8	5	0
25,000	...	30,000	18	0	9	0	6	0
30,000	...	40,000	24	0	12	0	8	0
40,000	...	50,000	30	0	15	0	10	0
50,000	...	60,000	36	0	18	0	12	0
60,000	...	70,000	42	0	21	0	14	0
70,000	...	80,000	48	0	24	0	16	0

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on any Bill of Exchange or Promissory Note, the amount of which does not exceed Rs. 2,00,000,—(concluded).

When the amount exceeds		but does not exceed	Proper Stamp-duty. If drawn singly.	Proper Stamp-duty. If drawn in sets of two, for each part of the set.	Proper Stamp-duty. If drawn in sets of three, for each part of the set.
Rs. 80,000	...	Rs. 90,000	Rs. 54 A. 0	Rs. 27 A. 0	Rs. 18 A. 0
90,000	...	1,00,000	60 0	30 0	20 0
1,00,000	...	1,10,000	66 0	33 0	22 0
1,10,000	...	1,20,000	72 0	36 0	24 0
1,20,000	...	1,30,000	78 0	39 0	26 0
1,30,000	...	1,40,000	84 0	42 0	28 0
1,40,000	...	1,50,000	90 0	45 0	30 0
1,50,000	...	1,60,000	96 0	48 0	32 0
1,60,000	...	1,70,000	102 0	51 0	34 0
1,70,000	...	1,80,000	108 0	54 0	36 0
1,80,000	...	1,90,000	114 0	57 0	38 0
1,90,000	...	2,00,000	120 0	60 0	40 0

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000.

When such sum exceeds			but does not exceed	Proper Stamp-duty.		
Rs.	...	...	...	Rs. 25	Rs. 0	A. 2
25	...	...		50	0	4
50	...	...		100	0	8
100	...	...		200	1	0
200	...	...		300	1	8
300	...	..		400	2	0
400	...	...		500	2	8
500	...	...		600	3	0
600	...	...		700	3	8
700	...	...		800	4	0
800	...	...		900	4	8
900	...	...		1,000	5	0
1,000	...	...		1,500	7	8
1,500	...	...		2,000	10	0
2,000	...	...		2,500	12	8
2,500	...	...		3,000	15	0
3,000	...	...		3,500	17	8
3,500	...	...		4,000	20	0
4,000	...	...		4,500	22	8
4,500	...	...		5,000	25	0
5,000	...	...		5,500	27	8
5,500	...	...		6,000	30	0
6,000	...	...		6,500	32	8

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—(continued).

When such sum exceeds			but does not exceed	Proper Stamp-duty.		
Rs. 6,500	...	...	Rs. 7,000	Rs. 35	A. 0	
7,000	...	...	7,500	37	8	
7,500	...	...	8,000	40	0	
8,000	...	...	8,500	42	8	
8,500	...	...	9,000	45	0	
9,000	...	...	9,500	47	8	
9,500	...	...	10,000	50	0	
10,000	...	...	11,000	52	8	
11,000	...	...	12,000	55	0	
12,000	...	...	13,000	57	8	
13,000	...	...	14,000	60	0	
14,000	...	...	15,000	62	8	
15,000	...	...	16,000	65	0	
16,000	...	...	17,000	67	8	
17,000	...	...	18,000	70	0	
18,000	...	...	19,000	72	8	
19,000	...	...	20,000	75	0	
20,000	...	...	21,000	77	8	
21,000	...	...	22,000	80	0	
22,000	...	...	23,000	82	8	
23,000	...	...	24,000	85	0	
24,000	...	...	25,000	87	8	
25,000	...	...	26,000	90	0	

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—(continued).

When such sum exceeds			but does not exceed	Proper Stamp-duty.	
Rs. 26,000	...	...	Rs. 27,000	Rs. 92	A. 8
27,000	...	...	28,000	95	0
28,000	...	...	29,000	97	8
29,000	...	...	30,000	100	0
30,000	...	...	40,000	112	8
40,000	...	...	50,000	125	0
50,000	..	...	60,000	137	8
60,000	...	...	70,000	150	0
70,000	...	...	80,000	162	8
80,000	...	...	90,000	175	0
90,000	...	...	1,00,000	187	8
1,00,000	...	...	1,10,000	200	0
1,10,000	...	...	1,20,000	212	8
1,20,000	...	...	1,30,000	225	0
1,30,000	...	...	1,40,000	237	8
1,40,000	...	...	1,50,000	250	0
1,50,000	...	...	1,60,000	262	8
1,60,000	...	...	1,70,000	275	0
1,70,000	...	...	1,80,000	287	8
1,80,000	...	...	1,90,000	300	0
1,90,000	...	...	2,00,000	312	8
2,00,000	...	...	2,10,000	325	0
2,10,000	...	...	2,20,000	337	8

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on Bonds for any sum not exceeding Rs. 4,00,000,—(concluded).

When such sum exceeds			but does not exceed	Proper Stamp-duty.	
Rs. 2,20,000	...	...	Rs. 2,30,000	Rs. 350	A. 0
2,30,000	...	...	2,40,000	362	8
2,40,000	...	...	2,50,000	375	0
2,50,000	...	...	2,60,000	387	8
2,60,000	...	...	2,70,000	400	0
2,70,000	...	...	2,80,000	412	8
2,80,000	...	...	2,90,000	425	0
2,90,000	...	...	3,00,000	437	8
3,00,000	...	...	3,10,000	450	0
3,10,000	...	...	3,20,000	462	8
3,20,000	...	...	3,30,000	475	0
3,30,000	...	...	3,40,000	487	8
3,40,000	...	...	3,50,000	500	0
3,50,000	...	...	3,60,000	512	8
3,60,000	...	...	3,70,000	525	0
3,70,000	...	...	3,80,000	537	8
3,80,000	...	...	3,90,000	550	0
3,90,000	...	...	4,00,000	562	8

SCHEDULE I—*(continued).*

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000.

When the amount of such consideration-money exceeds			but does not exceed	Proper Stamp-duty.	
Rs. ...	...	...	Rs. 50	Rs. 0	A. 8
50	...	...	100	1	0
100	...	...	200	2	0
200	...	...	300	3	0
300	...	..	400	4	0
400	...	...	500	5	0
500	...	...	600	6	0
600	...	...	700	7	0
700	...	...	800	8	0
800	...	...	900	9	0
900	...	...	1,000	10	0
1,000	...	...	1,500	15	0
1,500	...	...	2,000	20	0
2,000	...	...	2,500	25	0
2,500	...	...	3,000	30	0
3,000	...	...	3,500	35	0
3,500	...	...	4,000	40	0
4,000	...	...	4,500	45	0
4,500	...	...	5,000	50	0
5,000	...	...	5,500	55	0
5,500	...	...	6,000	60	0
6,000	...	...	6,500	65	0
6,500	...	...	7,000	70	0
7,000	...	...	7,500	75	0

SCHEDULE I—*(continued)*.

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000,—(continued).

When the amount of such consideration-money exceeds			but does not exceed		Proper Stamp-duty.	
Rs. 7,500	...	...	Rs. 8,000		Rs. 80	A. 0
8,000	...	...	8,500		85	0
8,500	...	...	9,000		90	0
9,000	...	...	9,500		95	0
9,500	...	...	10,000		100	0
10,000	...	...	11,000		105	0
11,000	...	...	12,000		110	0
12,000	...	...	13,000		115	0
13,000	...	...	14,000		120	0
14,000	...	...	15,000		125	0
15,000	...	...	16,000		130	0
16,000	...	...	17,000		135	0
17,000	...	...	18,000		140	0
18,000	...	...	19,000		145	0
19,000	...	...	20,000		150	0
20,000	...	...	21,000		155	0
21,000	...	...	22,000		160	0
22,000	...	...	23,000		165	0
23,000	...	...	24,000		170	0
24,000	...	...	25,000		175	0
25,000	...	...	26,000		180	0
26,000	...	...	27,000		185	0
27,000	...	...	28,000		190	0
28,000	...	...	29,000		195	0

SCHEDULE I—*(concluded).*

Table showing the Stamp-duty chargeable under this Schedule on any Conveyance the consideration-money set forth in which does not exceed Rs. 4,00,000,—(concluded).

When the amount of such consideration-money exceeds			but does not exceed	Proper Stamp-duty.	
Rs. 29,000	...	...	Rs. 30,000	Rs. 200	A. 0
30,000	...	...	40,000	250	0
40,000	...	...	50,000	300	0
50,000	...	...	60,000	350	0
60,000	...	...	70,000	400	0
70,000	...	...	80,000	450	0
80,000	...	...	90,000	500	0
90,000	...	...	1,00,000	550	0
1,00,000	...	...	1,20,000	625	0
12,0,000	...	...	1,40,000	700	0
1,40,000	...	..	1,60,000	775	0
1,60,000	...	...	1,80,000	850	0
1,80,000	...	..	2,00,000	925	0
2,00,000	...	...	2,20,000	1,000	0
2,20,000	...	...	2,40,000	1,075	0
2,40,000	...	. .	2,60,000	1,150	0
2,60,000	...	. .	2,80,000	1,225	0
2,80,000	...	...	3,00,000	1,300	0
3,00,000	...	...	3,20,000	1,375	0
3,20,000	...	...	3,40,000	1,450	0
3,40,000	...	...	3,60,000	1,525	0
3,60,000	...	...	3,80,000	1,600	0
3,80,000	...	...	4,00,000	1,675	0

ACT No. XVIII OF 1869.

SCHEDULE II.

Instruments chargeable with fixed Stamp-duties.

DESCRIPTION OF INSTRUMENTS.	PROPER STAMP-DUTY.
1.—BILL OF EXCHANGE, PROMISSORY NOTE, CHEQUE OR ORDER for the payment on demand of an amount exceeding twenty rupees	One Anna.*
2.—LETTER OF CREDIT	
3.—AGREEMENT OR MEMORANDUM OF AN AGREEMENT relating to the sale of any Government Security, share in a Company or Association, or Bill of Exchange	
4.—CERTIFICATE OR OTHER DOCUMENT purporting to denote the right or title of the holder thereof, or any other person, either to any shares, scrip or stock in or of any Company or Association, or proposed Company or Association, or to become proprietor of shares, scrip or stock in or of any such Company or Association	
5.—NOTE OR MEMORANDUM written in any book or written on a separate paper, whereby any account, debt or demand, or any part of any account, debt or demand therein specified, and amounting to twenty rupees or upwards, is expressed to have been balanced, or is acknowledged to be due	
6.—SHIPPING ORDER for or relating to the conveyance of goods on board of any vessel	
7.—RECEIPT OR DISCHARGE given for or upon the payment of money, or delivery of goods, in satisfaction of a debt, the amount or value of which money or goods exceeds twenty rupees ...	
8.—PROXY to vote at any one meeting of—	
(*a*).—Members of a Company or Association whose stock or funds is or are divided into shares and transferable ...	
(*b*).—Municipal Commissioners	
(*c*).—Justices of the Peace, being a body corporate ..	
(*d*).—Proprietors, members or contributors to the funds of any institution	
9.—BILL OF LADING	Four Annas
10.—DOCK-WARRANT	

* This duty may be denoted by an adhesive stamp.

SCHEDULE II—*(continued)*.

DESCRIPTION OF INSTRUMENTS.	PROPER STAMP-DUTY.
11.—ANY AGREEMENT OR MEMORANDUM OF AN AGREEMENT not otherwise provided for by this Act: Provided that where two or more letters are offered in evidence to prove any agreement between the parties who shall have written such letters, it shall be sufficient if any one of such letters shall be stamped as an agreement. 12.—NOTICE OF PROTEST by the master of a ship ... 13.—POWER-OF-ATTORNEY to present for registration— (*a*).—A single instrument ... ... (*b*).—Any number of instruments required for the completion of a single transaction	Eight Annas.
14.—AFFIDAVIT not made for the immediate purpose of being produced in any Court ... ... 15.—COLLATERAL INSTRUMENT not otherwise provided for by this Schedule ... ... 16.—COUNTERPART OF ANY INSTRUMENT chargeable with stamp-duty under this Act: Provided that the counterpart shall not be available unless the Collector or such other officer as he may authorize in that behalf shall certify that the proper stamp-duty on the original instrument has been paid. Such certificate shall be endorsed on the counterpart on the same being produced together with the original instrument, and on the whole being duly executed and duly stamped in other respects ... ... 17.—INSTRUMENT OF DISSOLUTION OF PARTNERSHIP... 18.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with does not exceed five hundred rupees	One Rupee.
19.—POWER-OF-ATTORNEY for the performance of a single act when the value of the matter to be dealt with exceeds five hundred rupees ... ... 20.—BOND OR MORTGAGE-DEED executed as a collateral security for the performance of any act, where such performance is secured by some instrument previously executed on stamped paper in accordance with the law in force in British India at the time of its execution ... ... 21.—INSTRUMENT EVIDENCING AN AGREEMENT to secure the repayment on or before the expiration of three months from the date of such instrument of a loan made upon the deposit of title-deeds or other valuable security ... 22.—CHARTER-PARTY	Two Rupees.

SCHEDULE II—*(concluded)*.

DESCRIPTION OF INSTRUMENTS.	PROPER STAMP-DUTY.
23.—NOTARIAL ACT	Two Rupees.
24.—PROTEST OF A BILL OF EXCHANGE OR PROMISSORY NOTE	
25.—PROTEST OF THE MASTER OR OWNER OF A SHIP	
26.—INSTRUMENT OF CO-PARTNERSHIP	Four Rupees.
27.—RECONVEYANCE OF MORTGAGED PROPERTY, when the original mortgage-deed has been stamped in accordance with the law in force in British India at the time of its execution	
28.—COMPOSITION-DEED	Eight Rupees.
29.—LETTER OF LICENSE...	
30.—RELEASE	
31.—INSTRUMENT PURPORTING TO CONFER AN AUTHORITY TO ADOPT	
32.—POWER-OF-ATTORNEY not otherwise provided for by this Schedule	
33.—ARTICLES OF ASSOCIATION of a Company	Sixteen Rupees.
34.—MEMORANDUM OF ASSOCIATION of a Company ...	
35.—APPOINTMENT in execution of a power, whether of Trustees, or of property, moveable or immoveable, where made by any writing not being a Will	
36.—DECLARATION OF ANY USE OR TRUST of or concerning any property, moveable or immoveable, where made by any writing not being a Will	
37.—INSTRUMENT OF GIFT OF IMMOVEABLE PROPERTY	
38.—INSTRUMENT OF EXCHANGE OF IMMOVEABLE PROPERTY where no money is paid or agreed to be paid for equality of exchange	
39.—PARTITION-DEED relating to immoveable property where no money is paid or agreed to be paid for equality of exchange	
40.—PETITION FOR LEAVE TO FILE A SPECIFICATION OF AN INVENTION, or for the extension of the term of the exclusive privilege of making, using or selling such invention in India	One hundred Rupees.
41.—ARTICLES OF CLERKSHIP or contract whereby any person shall first become bound to serve as a clerk in order to his admission as an Attorney in any High Court	Five hundred Rupees.

ACT No. XVIII OF 1869.

SCHEDULE III.

Enactments repealed by Section 2.

No. and date of Act.	Title of Act.	Extent of repeal.
Act XIV of 1840.	An Act for rendering a written memorandum necessary to the validity of certain promises and engagements by extending to the territories of the East India Company, in cases governed by English law, the provisions of the Statute 9 Geo. IV., cap. XIV.	Section 8.
„ XVIII of 1856.	An Act relating to the administration of the public revenues in the Town of Calcutta.	So much of the preamble as relates to stamp-duty, and section 2.
„ XIX of 1858.	An Act to provide for the authentication of stamped paper issued from the Stamp Office in Calcutta.	The whole.
„ XLI of 1858.	An Act to amend Regulation X. 1829 of the Bengal Code (for the collection of Stamp duties).	The whole.
„ XV of 1859.	An Act for granting exclusive privileges to inventors.	Section 37.
„ X of 1862.	An Act to consolidate and amend the law relating to Stamp duties.	Sections 1 to 25 both inclusive, sections 27, 28, 29, sections 31 to 57 both inclusive, and schedule A.
„ XXVI of 1867.	An Act to amend the law relating to Stamp duties.	Section 5.

INDEX.

(Nothing hereinafter contained shall be deemed to have the force of law).

Abetment of offences punishable under Act, sec. 36.
Accident, omission to stamp by, sec. 24, clause (*b*).
„ to stamped paper, sec. 46.
Account, stamp on note evidencing balance of, schedule II, No. 5.
Acknowledgment of sum paid on letter of allotment or call, sec. 15, clause (2).
„ of debt, stamp on, schedule II, No. 5.
Adhesive stamp, sec. 5, clause (*a*).
„ „ to be affixed to bill drawn out of British India, sec. 8.
„ „ may be affixed to instrument chargeable with one anna, sec. 26.
„ „ may be affixed to paper for receipt, sec. 27.
„ „ presenting bill wanting, sec. 30.
„ „ holder of foreign bill to cancel, sec. 31.
„ „ executant to cancel, sec. 33.
Administration-bond, schedule I, No. 5.
Admissibility, see *Evidence:*
Adoption, see *Authority to adopt.*
'Affidavit' defined, sec. 3, clause (1).
„ to enable a person to receive a pension, exempt, sec. 15, clause (12).
„ stamp on, schedule II, No. 14.
After-stamping when inadmissible, sec. 28.
Agent of person from or to whom money is owing or paid, sec. 27.
„ of owner of useless or spoiled stamped paper, sec. 15.
Agreement for hire of tug-steamer not included in 'charter-party,' sec. 3, clause (7).
„ for sale of goods, exempt, sec. 15, clause (8).
„ relating to sale of Government securities, shares or bills, stamp on, schedule II, No. 3.
„ not otherwise provided for, stamp on, *ib.*, No. 11.
„ stamp on one of several letters proving an, *ib.*
„ to repay at short date loan on deposit, stamp on, *ib.*, No. 21.
See *Engagement.*
Allotment, see *Letter of Allotment.*
Annuity, duty on bond, &c., for payment of, sec. 12.
„ duty on conveyance where consideration is an, *ib.*
„ exemption of receipt for instalment of, sec. 15, clause (3).

Appeal

Appeal from Collector's decision, sec. 40.
Appointment, stamp on, schedule II, No. 35.
Appraisement, stamp on, schedule I, No. 21.
Approval of rules to be made by Local Governments, sec. 48.
Articles of Association, stamp on, schedule II, No. 33.
Articles of clerkship, stamp on, schedule II, No. 41.
Assignment of interest secured by bond or mortgage-deed, stamp on, schedule I, No. 13
" person to pay stamp on, sec. 6.
Attested copy, duplicate or extract, stamp on, schedule I, No. 23.
Attorney, exemption of copies made for use of, sec. 15, clause (14).
" not stating true consideration, sec. 35.
See *Articles of Clerkship.*
Authentication, not of instruments not duly stamped, sec. 18.
Authority to adopt, stamp on, schedule II, No. 31.
'Award' defined, sec. 3, clause (2).
" stamp on, schedule I, No. 22.
Balance of account, stamp on note expressing, schedule II, No. 5.
Banker, exemption of certain receipts of, sec. 15, clause (2).
" may stamp certain instruments chargeable with one anna, sec. 26.
Batwárá included in 'partition-deed,' sec. 3, clause (22).
'Bill of exchange' defined, sec. 3, clause (3).
" " when it may be stamped with adhesive stamp, sec. 5, clause (*a*).
" " drawn out of British India, secs. 5, 7 and 8.
" " person to pay duty on, sec. 6.
" " duties on, sec. 7.
" " unstamped or with stamp uncancelled, holder cannot recover on foreign, sec. 19.
" " brought to Collector on unstamped or insufficiently stamped paper, sec. 39.
" " not presented, sec. 46.
" " payable otherwise than on demand, stamp on, schedule I, No. 1.
" " payable on demand, for amount exceeding twenty rupees, stamp on, schedule II, No. 1.
See *Agreement, Letters of Hypothecation, Memorandum, Negotiable Instrument, Protest, Set.*
'Bill of lading' defined, sec. 3, clause (4).
" " stamp on, schedule II, No. 9.
'Bond' defined, sec. 3, clause (5).
" person to pay duty on, sec. 6.
" to Government for performance of duties of salaried office, exempt, sec. 15, clause (7).
" for specified sum, stamp on, schedule I, No. 5.
" for due execution of an office, stamp on, *ib.*, No. 12.
" as a collateral security, stamp on, schedule II, No. 20.
See *Bottomry-bond, Customs-bond, Indemnity-bond, Respondentia-bond.*

'Bottomry-bond' defined, sec. 3, clause (6).
" person to pay duty on, sec. 6.
" stamp on, schedule I, No. 6.
British India, duty on instruments executed out of, sec. 4.
" duty on bills drawn out of, secs. 5, 7 and 8.
Calls on scrip or shares, receipts for sums paid in respect of, sec. 15, clause (2).
Cancelling adhesive stamps by banker, sec. 26.
" " on foreign bills by holder, sec. 31.
" " by maker or executant, sec. 33.
Certificate of Court that duty has been paid on unstamped instrument, sec. 20.
" of Collector that instrument is properly stamped or is not chargeable, sec. 24, clause (*a*).
" of Collector that duty has been levied on instrument executed out of British India, sec. 24, clauses (*c*), (*d*).
" of Collector that full duty has been paid, sec. 39.
" revision of Collector's, sec. 40.
" that impressed stamp is not procurable, sec. 49.
" of title to shares, scrip or stock, stamp on, schedule II, No. 4.
" in case of counterpart, that duty has been paid on original, *ib.*, No. 16.
Charitable allowance, exemption of affidavit in case of, sec. 15, clause (12).
'Charter-party' defined, sec. 3, clause (7).
" " agreement for hire of tug-steamer not included in, *ib.*
" " stamp on, schedule II, No. 22.
See *Agreement.*
'Cheque' defined, sec. 3, clause (8).
" not included in 'Bill of Exchange,' sec. 3, clause (3).
" when it may be stamped with adhesive stamp, sec. 5, clause (*a*).
" for amount exceeding twenty rupees, stamp on, schedule II, No. 1.
Chief Controlling Revenue Authority may revise Collector's certificates and orders, sec. 40.
" " may refer questions to High Court, sec. 41.
" " may remit or mitigate penalties, sec. 42.
Civil Court, its powers as to unstamped or insufficiently stamped instruments, sec. 20.
" to keep book for entries of payments, sec. 21.
" to endorse payments, *ib.*
" to make returns and payments to Collector, *ib.*
" when to impound unstamped instruments, sec. 22.
See *High Court.*
Code of Criminal Procedure, instruments not duly stamped inadmissible in proceedings under chapter XXII of, sec. 18, clause (*b*).
Collateral instrument not otherwise provided for, stamp on, schedule II, No. 15.
" security, stamp on, *ib.*, No. 20.

'Collector'

'Collector' defined, sec. 3, clause (9).
" may denote stamps, sec. 5, clause (*b*).
" monthly return and payment to, of money received by Court, sec. 21.
" may appoint person to receive such payments, *ib.*
" to prosecute executant of unstamped instrument sent by Court, sec. 22.
" public officer to send unstamped instrument to, sec. 23.
" his powers as to unstamped or insufficiently stamped instruments, sec. 24.
" when he may remit penalty, *ib.*, clause (*b*).
" when he may certify that proper duty has been levied on instrument executed out of British India, *ib.*, clause (*c*).
" validity of instrument for which penalty levied by, sec. 25.
" to decide doubt as to proper stamp, sec. 39.
" revision of certificates and orders of, sec. 40.
" to institute and conduct prosecutions, sec. 43.
" may specially authorize person to prosecute, *ib.*
" may make refund, or supply new, for spoiled or useless stamped paper, sec. 45.
" may authorize officer to certify on counterpart that duty on original is paid, schedule II, No. 16.
Commencement of Act, sec. 1.
Company, stamp on agreement relating to shares in, schedule II, No. 3.
" stamp on certificate of title to shares in, *ib.*, No. 4.
" stamp on proxy to vote at meeting of, *ib.*, No. 8.
See *Articles of Association, Calls, Memorandum of Association, Scrip, Share.*
'Composition-deed' defined, sec. 3, clause (10).
" " stamp on, schedule II, No. 28.
Consideration expressed in foreign currency, sec. 10.
" to be stated, sec. 34, clause (*a*).
" mortgage-money or sum charged to be deemed, *ib.*, clause (*b*).
" penalty for not stating, *ib.*, clause (*c*).
" penalty on attorney, &c., not inserting, sec. 35.
" failure of, sec. 46.
" suit when it is not stated, sec. 47.
See *Annuity.*
'Conveyance' defined, sec. 3, clause (11).
" person to pay duty on, sec. 6.
" duty on, where consideration is an annuity, sec. 12.
" stamp on, schedule I, No. 15.
Co-partnership, stamp on instrument of, schedule II, No. 26.
See *Dissolution.*
Copy of paper which public officer is required to make, exempt, sec. 15, clause (13).
" for private use, exempt, *ib.*, clause (14).
" attested, stamp on, schedule I, No. 23.

Counsel,

Counsel, exemption of copies made for, sec. 15, clause (11).
'Counterpart' defined, sec. 3, clause (12).
„ of lease, lessor pays duty on, sec. 6.
„ of lease to ryot, exempt, sec. 15, clause (10).
„ of instrument chargeable with duty, stamp on, schedule II, No. 16.
Court, see *Civil Court, Criminal Court.*
Criminal Court, when to impound unstamped instruments, sec. 22.
Criminal proceedings, instruments not duly stamped admissible in, sec. 18.
Cultivators, exemption of receipts for rent to, sec. 15, clause (1).
Customs-bond, person to pay stamp on, sec. 6.
„ stamp on, schedule I, No. 8.
Death of party to transaction intended by writing on stamped paper, sec. 16.
Debt, see *Acknowledgment.*
Declaration of use or trust, stamp on, schedule II, No. 36.
Definitions, instrument coming within two or more, sec. 14.
See *Interpretation-clause.*
Denoting of stamps, sec. 5, clause (*b*).
Deputy Commissioner included in 'Collector,' sec. 3, clause (9).
Destruction of instrument sent to Collector, sec. 23.
Discharge, stamp on, schedule II, No. 7.
Dissolution of partnership, stamp on instrument of, schedule II, No. 17.
Dock-warrant' defined, sec. 3, clause (13).
„ stamp on, schedule II, No. 10.
Dollars, see *Foreign Currency.*
Doubt as to proper stamp, adjudication of, sec. 39.
Duplicate, attested, stamp on, schedule I, No. 23.
See *Counterpart.*
Duty chargeable, sec. 4.
„ when leviable by adhesive stamps, sec. 5, clause (*a*).
„ levied by impressed stamps, *ib.*, clause (*b*).
„ denoted by Collector or Superintendent of Stamps, *ib.*
„ on bills and notes drawn out of British India, secs. 5, 8.
„ by whom payable in certain cases, sec. 6.
„ on bills of exchange, sec 7.
„ on instrument reserving interest, sec. 9.
„ where value of subject-matter is indeterminate, sec. 11.
„ on bond, promissory note or mortgage-deed for payment of annuity, sec. 12.
„ on several instruments used in a single transaction, sec. 13.
„ on instruments coming within two or more of the definitions, sec. 14.
„ instruments exempt from, sec. 15.
See *Appeal, Certificate, Reference.*

Employment,

Employment, see *Agreement.*
Endorsement of certificate by Civil Court, sec. 20.
„ of payment by Civil Court, sec. 21.
„ of certificate by Collector, secs. 24, 25, 39.
„ on counterpart, schedule II, No. 16.
See *Notarial Act, Receipt, Transfer.*
Engagement to issue policy, exempt, sec. 15, clause (16).
Entry, see *Notarial Act.*
Error in writing on stamped paper, sec. 46.
Evidence, instruments not duly stamped inadmissible in, sec. 18.
„ „ „ „ except in criminal proceedings, *ib.*, clause (*b*).
„ „ „ „ or in suits where consideration is not stated, sec. 47.
„ in criminal proceedings, sec. 19.
„ instrument certified by Civil Court receivable in, sec. 20.
„ as to amount of duty leviable on an instrument, secs. 20, 24, clause (*d*), 39.
„ instrument certified by Collector receivable in, secs. 24, 39.
Exchange of immoveables, person to pay duty on, sec. 6.
„ „ where money is paid for equality, stamp on, schedule I, No. 18.
„ „ where no money is paid for equality, stamp on, schedule II, No. 38.
Exemptions from stamp-duty, sec. 15.
Extension, see *Petition.*
Extent of Act, sec. 1
Extract, stamp on attested, schedule I, No. 23.
Fee for decision of doubt as to proper stamp, sec. 39.
Fine for executing, &c., instrument not duly stamped, sec. 29.
„ for presenting, &c., unstamped foreign bill, sec. 30.
„ on holder not cancelling adhesive stamp, sec. 31.
„ for not drawing full number of set, sec. 32.
„ on executant not cancelling adhesive stamp, sec. 33.
„ for not stating consideration, sec. 34.
„ on attorney, &c., not stating consideration, sec. 35.
„ how recovered, sec. 37.
Fire-policy, transfer by endorsement of, exempt, sec. 15, clause (4).
Firm, penalties on, secs. 26, 29, 30, 31, 32.
„ recovery of fines from, sec. 37.
Foreign bills, stamp on, secs. 5, 7, 8.

Foreign bills, cancelling stamp on, sec. 31.
Foreign currency, duty where consideration or amount is expressed in, sec. 10.
Francs, see *Foreign Currency.*
Further charge, stamp on instrument of, where possession is not given, schedule I, No. 11.
" " " where possession is given, *ib.*, No. 17.
Gift of immoveables, stamp on instrument of, schedule II, No. 37.
Goods, see *Agreement, Memorandum.*
Government, exemption of transfers of securities of, sec. 15, clause (6).
" bond to, for due performance of office, *ib.*, clause (7).
" instruments executed by or on behalf of, *ib.*, clause (15).
Government Security, see *Agreement, Memorandum.*
Governor General in Council may make rules as to denoting stamps, sec. 5, clause (*b*).
" " may lower rates of stamp-duty, sec. 16.
" " to approve rules for sale of stamps, sec. 48.
High Court, reference to, by Chief Controlling Revenue Authority, sec. 41.
Hire, see *Agreement.*
Hundí included in 'Bill of Exchange,' sec. 3, clause (3).
Hypothecation, see *Letter of hypothecation.*
Impounding unstamped instruments produced in Court, sec. 22.
" " " " in public office, sec. 23.
'Impressed' defined, sec. 3, clause (14).
" stamp, sec. 5, clause (*b*).
" " employment of single, sec. 49.
Imprisonment of stamp vendor, sec. 48.
Inadvertence, omission to stamp by, sec. 24, clause (*b*).
Inám lands (Madras and Bombay), exemption of receipts to cultivators for rent of, sec. 15, clause (1).
Indemnity-bond, person to pay stamp on, sec. 6.
" stamp on, schedule I, No. 9.
Indexes to vernacular versions of Act, sec. 51.
Informer, reward to, sec. 38.
Injury to instrument sent to Collector, sec. 23.
Interest, duty on instrument reserving, sec. 9.
" exemption of receipt for, sec. 15, clause (3).
" stamp on assignment of, secured by bond or mortgage-deed, schedule I, No. 13.
Interpretation-clause, sec. 3.
Judgment of High Court on case referred by Revenue Authority, sec. 41.
Judicial stamps, saving of, sec. 17.
Jurisdiction, see *Chief Controlling Revenue Authority, Collector, Magistrate.*

Justices

Justices of the Peace, stamp on proxy to vote at meeting of, schedule II, No. 8.
Kabúliyát included in 'counterpart,' sec. 3, clause (12).
'Lease' defined, sec. 3, clause (15).
" person to pay duty on, sec. 6.
" to ryot when exempt from duty, sec. 15, clause (9).
" stamp on, schedule I, No. 19.
See *Surrender*.
Letter of allotment of share, sec. 15, clause (2).
Letter of cover or engagement to issue policy, exempt, sec. 15, clause (16).
'Letter of credit' defined, sec. 3, clause (16).
" " stamp on, schedule II, No. 2.
Letter of hypothecation accompanying bill of exchange, exempt, sec. 15, clause (5).
'Letter of license' defined, sec. 3, clause (17).
" " stamp on, schedule II, No. 29.
Letters to prove agreement, stamp on one, schedule II, No. 11.
Local Government may authorize persons to institute prosecutions, sec. 43.
" " to make rules for sale of stamps, sec. 48.
" " to cause Act and schedules to be translated and indexed, sec. 51.
Loss of instrument sent to Collector, sec. 23.
Magistrate may issue warrants for levy of fines on firms, sec. 37.
" may reward informers, sec. 38.
" jurisdiction of, sec. 44.
Marine policy, transfer by endorsement of, exempt from duty, sec. 15, clause (4).
" " fine for not drawing full number of set, sec. 32.
See *Policy*.
Meeting, see *Proxy*.
Memorandum of agreement for sale of goods, exempt, sec. 15, clause (8).
" for sale of Government security, share or bill, stamp on, schedule II, No. 3.
" of balance of account or acknowledgment, stamp on, *ib.*, No. 5.
" not otherwise provided for, stamp on, *ib.*, No. 11.
" of Association, stamp on, *ib.*, No. 34.
Merchandise, see *Agreement, Memorandum*.
Mistake, omission to stamp through, sec. 24, clause (*b*).
'Mortgage-deed' defined, sec. 3, clause (18).
" person to pay duty on, sec. 6.
" stamp on, where possession not transferred, schedule I, No. 10.
" " where possession is transferred, *ib.*, No. 16.
" for due execution of an office, stamp on, *ib.*, No. 12.
" as a collateral security, stamp on, schedule II, No. 20.
See *Conveyance, Mortgage-money*.

Mortgage-money to be deemed purchase-money, sec. 34, clause (*b*).
Mukhtár not stating true consideration, penalty on, sec. 35.
Municipal Commissioners, stamp on proxy to vote at meetings of, schedule II, No. 8.
'Negotiable instrument' defined, sec. 3, clause (19).
" " exemption of transfer by endorsement of, sec. 15, clause (4).
" " never brought into use, sec. 46.
See *Bill of Exchange, Promissory Note.*
'Notarial Act' defined, sec. 3, clause (20).
" stamp on, schedule II, No. 23.
Note evidencing balance or acknowledgment, stamp on, schedule II, No. 5.
See *Notarial Act.*
Notice of protest of master of a ship, stamp on, schedule II, No. 12.
Office, bond to Government for due performance of duties of, exempt, sec. 15, clause (7).
" bond for due performance of duties of, stamp on, schedule I, No. 12.
See *Impounding, Refusal.*
Optional stamp, sec. 11.
Order for payment on demand, stamp on, schedule II, No. 1.
'Paper' defined, sec. 3, clause (21).
" stamps impressed or otherwise denoted on, sec. 5, clause (*b*).
" not bearing proper stamp, secs. 20, 22, 24, 39.
" for receipt, sec. 27.
" refund for spoiled or useless stamped, sec. 45.
'Partition-deed' defined, sec. 3, clause (22).
" persons to pay duty on, sec. 6.
" stamp on, when money is paid for equality of partition, schedule I, No. 18.
" stamp on, where no such money is paid, schedule II, No. 39.
Partnership, see *Co-partnership, Dissolution.*
Patent, see *Petition.*
Payments by Civil Court to Collector, sec. 21.
Penalty on unstamped or insufficiently stamped instruments produced in Civil Court, sec. 20.
" power to remit, secs. 24, 42.
" validity of instrument for which Collector levies, sec. 25.
" for issuing bill, &c., unstamped, sec. 26.
" for executing instrument not duly stamped, sec. 29.
" for presenting or negotiating unstamped bills, sec. 30.
" on holder of foreign bill refusing or neglecting to cancel stamp on bill, sec. 31.
" for not drawing full number of set of bills or marine policies, sec. 52.
" for not cancelling adhesive stamp, sec. 33.
" for not stating consideration, sec. 34.
" on attorney, &c., not inserting true consideration, sec. 35.

Penalty on stamp-vendors disobeying rules, sec. 48.
See *Abetment, Fine, Magistrate, Prosecution.*
Pension, see *Affidavit.*
Periodical payment, duty on bond, &c., for, sec. 12.
" " duty on conveyance where consideration is a, *ib.*
" " exemption of receipt for, sec. 15, clause (3).
Petition to Revenue Authority for remission of penalty, sec. 42.
" for leave to file specification or for extension of term, stamp on, schedule II, No. 40.
Pleader not stating true consideration, penalty on, sec. 35.
Pledge, see *Mortgage-deed.*
'Policy of Insurance' defined, sec. 3, clause (23).
" " person to pay duty on, sec. 6.
" " exemption of transfer by endorsement of marine or fire, sec. 15, clause (4).
" " exemption of engagement to issue, *ib.*, clause (16).
" " penalty for not drawing full number of set of marine, sec. 32.
" " stamp on, schedule I, No. 3.
Pounds currency, Pounds sterling, see *Foreign Currency.*
Power, see *Appointment.*
'Power of attorney' defined, sec. 3, clause (24).
" " to present for registration, stamp on, schedule II, No. 13.
" " for performance of single act, stamp on, *ib.*, Nos. 18, 19.
" " not otherwise provided for, stamp on, *ib.*, No. 32.
Power to stamp instruments chargeable with one anna, sec. 26.
Price of vernacular versions of Act, sec. 51.
Principal instrument, stamping, sec. 13.
'Promissory Note' defined, sec. 3, clause (25).
" person to pay duty on, sec. 6.
" brought to Collector on unstamped or insufficiently stamped paper, sec. 39.
" payable otherwise than on demand, stamp on, schedule I, No. 2.
" payable on demand, stamp on, schedule II, No. 1.
See *Negotiable Instrument, Protest.*
'Property' defined, sec. 3, clause (26).
" within British India, instruments relating to, *ib.*, clause (2).
" sec. 3, clauses (10), (11), (15), (18), (22), (30), (32), sec. 6, clause (6).
See *Conveyance, Settlement.*
Prosecution of executants of unstamped or insufficiently stamped instruments, secs. 22, 24, clause (*a*).
" institution and conduct of, sec. 43.
'Protest' defined, sec. 3, clause (27).
" of bill or note, stamp on, schedule II, No. 24.

'Protest'

'Protest of the master of a ship' defined, sec. 3, clause (28).
" " stamp on, schedule II, No. 25.
'Proxy' defined, sec. 3, clause (29).
" stamp on, schedule II, No. 8.
Public officer, see *Collector, Copy, Impounding.*
Receipt to ryot for rent of revenue-paying land, exempt from duty, sec. 15, clause (1).
" for money deposited in bank to be accounted for, when exempt, *ib.*, clause (2).
" for sums paid for letters of allotment or on calls, *ib.*
" endorsed on or contained in duly stamped instrument, exempt, *ib.*, clause (3).
" by or on behalf of Government, exempt, *ib.*, clause (15).
" procedure where payee refuses, sec. 27.
" for money exceeding twenty rupees, stamp on, schedule II, No. 7.
See *Inám Lands.*
Reconveyance of mortgaged property, stamp on, schedule II, No. 27.
Reference to High Court, sec. 41.
" back to Revenue Authority, *ib.*, clause (*c*).
Refund in case of useless or spoiled stamped paper, sec. 45.
Refusal to give receipt, sec. 27, clause (*b*).
" of party whose signature is required to writing on stamped paper, sec. 46.
" of office or trust granted by writing on stamped paper, *ib.*
Registering officer not to register instruments not duly stamped, sec. 17.
" " to impound unstamped instrument and send it to Collector, sec. 23.
Registration of penalties levied by Civil Courts on unstamped instruments, sec. 21.
" of instrument afterwards endorsed by Collector, sec. 40.
'Release' defined, sec. 3, clause (30).
" stamp on, schedule II, No. 30.
Remission of penalty by Collector, sec. 24, clause (*b*).
" of penalties by Chief Controlling Revenue Authority, sec. 42.
Remuneration of stamp-vendors, sec. 48.
Repeal of enactments, sec. 2, and schedule III.
'Respondentia-bond' defined, sec. 3, clause (31).
" person to pay duty on, sec. 6.
" stamp on, schedule I, No. 7.
Return to Collector of money received by Civil Court under Stamp Act, sec. 21.
Revision of Collector's certificates and orders, sec. 40.
Reward to informer, sec. 38.
Rules for denoting stamps, sec. 5, clause. (*b*).
" for sale of stamps, sec. 48.
Ryot, see *Counterpart, Cultivators, Lease, Receipt, Surrender.*
Sale of stamps and stamped paper, sec. 48.
See *Consideration, Conveyance.*
Scrip, see *Calls, Certificate.*
Secondary instruments, stamp on, sec. 13.

Securities of Government of India, exemption of transfers of, sec. 15, clause (6).
Service, see *Agreement.*
Set of bills or marine policies, penalty for not drawing whole number of, sec. 32.
'Settlement' defined, sec. 3, clause (32).
" person to pay duty on, sec. 6.
" stamp on, schedule I, No. 14.
Several stamped papers, employment of, sec. 50.
Share, see *Agreement, Calls, Certificate, Letter of Allotment, Memorandum, Transfer.*
Ship, see *Charter-party, Protest of Master.*
Shipping-order, stamp on, schedule II, No. 6.
Short title, sec. 1.
Single impressed stamp, employment of, sec. 49.
Specification, see *Petition.*
Stamped papers, refund for useless or spoiled, sec. 45.
" " what shall be held to be spoiled, sec. 46.
" " rules for sale of, sec. 48.
" " employment of several, sec. 50.
See *Paper.*
Stamp-sellers, remuneration of, sec. 48.
" penalty on, *ib.*
Stock, see *Certificate.*
Subordinate Magistrate of first class, jurisdiction of, sec. 44.
Suit where consideration is not stated, sec. 47.
Superintendent of Stamps may denote stamp-duty, sec. 5.
Surrender of land by ryot exempt, sec. 15, clause (11).
" of lease, person to pay stamp on, sec. 6.
" " stamp on, schedule I, No. 20.
Transfer of share, person to pay duty on, sec. 6.
" by endorsement of negotiable instrument or policy, sec. 15, clause (4).
" of securities of Government of India exempt from duty, *ib.*, clause (6).
" stamp on, schedule I, No. 4.
Translations of Act, sec. 51.
Trust, see *Declaration, Refusal.*
Tug-steamer, see *Agreement.*
Urgent necessity, omission to stamp through, sec. 24, clause (*b*).
Use, see *Declaration.*
Vakíl, exemption of copies made for, sec. 15, clause (14).
" not stating true consideration, sec. 35.
Valuation, person to pay stamp on, sec. 6.
" stamp on, schedule I, No. 21.
Warrant for levy of fine on firm, sec. 37.

Office Supdt. Govt. Printing.—No. 3247 27-9-69.—4,000.

ACT No. XX OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th September 1869).

AN ACT *to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.*

Preamble.

WHEREAS many loyal subjects of Her Majesty have volunteered their services for the protection of life and property and the preservation of the peace, and have with the sanction of Government associated and enrolled themselves as Military Corps under the command of officers appointed for that purpose; and it is expedient to provide for the good order and discipline of such corps, and to invest their members with certain powers; It is hereby enacted as follows:—

Preliminary.

Short title.

1. This Act may be called "The Indian Volunteers' Act, 1869."

Extent of Act.

2. This Act shall extend to the whole of British India and (so far as regards British subjects) to the dominions of Native Princes and States in alliance with Her Majesty.

Repeal of Act XXIII of 1857.

3. Act No. XXIII of 1857 (*to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers*) is hereby repealed.

"Magistrate."

4. In this Act "Magistrate" means, within the limits of the Presidency Towns, a Magistrate of Police and, without those limits, a person exercising the full powers of a Magistrate.

Formation and Dissolution of Volunteer Corps.

Formation of corps.

5. Corps of Volunteers may, with the sanction of the Governor General of India in Council, or of the Local Government, be formed in any part of British India or of the said dominions.

6. A

PRICE THREE ANNAS.

Certificate of Commanding Officer to be evidence of enrolment.

6. A certificate of enrolment in such corps, signed by the Commanding Officer thereof, shall be *primâ facie* evidence of such enrolment.

Power to disband corps or remove members.

7. The Governor General of India in Council or the Local Government may disband any corps formed or enrolled under the provisions of this Act, or of Act No. XXIII of 1857, or remove from such corps any member thereof.

Application of Articles of War.

Volunteers subjected to Articles of War so far as they apply to officers.

8. Every member of a corps of Volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or on parade, be subject to the Articles of War for the time being in force for the better government of Her Majesty's Army, so far as the same are applicable to officers and consistent with the provisions of this Act:

Proviso.

Provided that no such member shall for any offence against the said Articles be subject to the punishment of death.

Courts Martial.

Appointment of and sentences by General Courts Martial.

9. General Courts Martial shall be convened and appointed by the Commanding Officer of the corps, with the sanction of the Local Government, for the trial of military offences of which any member of such corps shall be guilty whilst on actual duty.

No sentence of such Court Martial shall be put into execution until after a report of the whole proceedings shall have been made to, and the sentence shall have been confirmed by, the Local Government.

The Local Government may commute any such sentence for a less punishment, or pardon the offender.

General Courts Martial of whom to be composed.

10. General Courts Martial shall consist of not less than nine members of the corps, and every member of the corps, whether an officer or not, shall be competent to sit and act as a member of such Court Martial.

11. Regimental

Regimental Courts Martial.

11. Regimental Courts Martial may be convened by the Commanding Officer of the corps, and shall consist of not less than three members of the corps.

Procedure of Courts Martial held under this Act.

12. The proceedings of Courts Martial convened under this Act shall be conducted according to the laws and customs applicable to Courts Martial held under the said Articles of War, except so far as the same are inconsistent with the provisions of this Act.

Withdrawal from Corps.

Power to quit the corps.

13. Any person enrolled as a member of a corps of Volunteers, whether he shall have been elected or commissioned as an officer in such corps or not, may, except whilst on actual duty, quit the corps upon giving to the Officer Commanding the corps seven days' previous notice in writing of his intention so to do, or without such notice if the Commanding Officer of the corps shall consider it reasonable and allow him so to do.

Commissions to officers to cease on retirement or dismissal.

14. Every commission to any member of a corps of Volunteers appointing him an officer in such corps shall cease upon his retirement or dismissal from the corps.

Delivery of arms belonging to Government by members quitting the corps.

15. Every member of a corps of Volunteers who shall have received any arms, ammunition, accoutrements, or uniform belonging to Government, or which shall have been furnished from the public stores, or at the public expense, shall, upon his quitting such corps,

or upon his dismissal therefrom,

or whenever he shall be required so to do by the Commanding Officer of the corps,

or whenever the corps shall be disbanded,

deliver up to the Commanding Officer or such person as he shall appoint to receive the same, all such arms, ammunition, accoutrements, and uniform in good order and condition, reasonable wear thereof only excepted;

and in default thereof he shall pay such sum of money as shall be adjudged by a Regimental Court Martial to be assembled for that purpose by the Commanding

manding Officer of the corps. A copy of such adjudication, signed by the President of the Court Martial, shall be sent to the principal Court of original civil jurisdiction in the district in which the adjudication shall have been given, and shall be executed by such Court as if it were a decree for money under the Code of Civil Procedure.

Local Limits of Service.

No member bound to serve beyond certain distance.

16. No member of a corps of Volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the corps to which he belongs shall have been constituted; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

Rules.

Commanding Officer to frame rules which shall be binding on the members.

17. The Commanding Officer of every corps of Volunteers may frame such general rules as he may think fit for regulating the times at which and the manner in which the duties of the corps and of the several members or detachments thereof shall be discharged.

Such rules, when sanctioned by the Local Government, shall be binding on the corps and on the several members thereof.

Penalties.

Not attending actual duty other than drill or parade.

18. If any member of a corps of Volunteers, being warned for actual duty other than drill or parade, shall, without reasonable excuse, neglect to attend such duty, he shall be liable, upon conviction by a General Court Martial, to a fine not exceeding one hundred rupees, or to simple dismissal from the corps, or to dismissal from the corps as unworthy to belong to it.

Not attending drill or parade.

19. If any member of such corps shall without reasonable excuse neglect to attend drill or parade at such times as may be appointed for that purpose,

or

or shall be guilty of any neglect of duty or other military offence which in the judgment of the Commanding Officer of the corps will be sufficiently punished by a small fine,

Other minor military offence.

he shall be liable to pay such fine, not exceeding fifty rupees, as a Regimental Court Martial shall impose.

20. If any member of such corps shall neglect or refuse to pay any fine to which he shall be sentenced by any Court Martial, within such time as shall be fixed by the Commanding Officer of the corps, he may be dismissed by the said Commanding Officer from the said corps; and every such dismissal shall be recorded and reported to the Local Government.

Punishment for non-payment of fine.

21. Whoever assaults or resists, or abets within the meaning of the Indian Penal Code any person in assaulting or resisting, any member of such corps in the discharge of his duty, shall be punishable, on conviction before a Magistrate, with fine not exceeding two hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Penalty for assaulting or resisting Volunteers in discharge of their duty.

22. In default of payment of any fine imposed by a Court Martial under this Act, a copy of the sentence of the Court Martial imposing the fine, signed by the President of such Court, may be sent to a Magistrate in the Presidency Town or the District in which the fine shall have been imposed, who shall thereupon cause the fine to be recovered as if he had himself imposed it.

Recovery of fines.

Fines imposed under section twenty-one may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

Powers of Volunteers.

23. Any member of a corps of Volunteers, whenever he may be in discharge of his duty as a member of the corps, and wheresoever he may then be, may disarm any person not being in Her Majesty's Military or Naval service or a Police officer, found between sunset

Power to disarm persons.

sunset and sunrise in any public street, thoroughfare, or other public place, armed with a sword, spear, gun, or other warlike instrument, without a pass or license for that purpose from the Commissioner of Police or other officer authorized by Government to grant the same;

and may also disarm any person found armed at any time contrary to law or to any order of Government in any public street, thoroughfare, or other public place;

And to apprehend and deliver to police.

and may also apprehend and deliver over to a Police officer any person so found armed in order that he may be dealt with according to law;

Forfeiture of weapons seized.

and the weapon so seized shall be forfeited to Government or otherwise dealt with according to law, or to the orders of Government.

Power to prevent disturbances of the public peace.

To disperse unlawful assemblies.

24. Any member of such corps, whenever he is on duty, may prevent any disturbance of the public peace, and disperse any persons whom he may find assembled together to the number of five or more without reasonable cause between sunset and sunrise in any public street, thoroughfare, or other public place in which such member of the said corps may be in the discharge of his duty,

To apprehend certain suspected persons.

and may also apprehend any person reasonably suspected of having committed, or being about to commit any offence against the State, or of having abetted within the meaning of the Indian Penal Code, or being about to abet, any other person in the commission of such offence; and deliver him over to some Police officer.

Miscellaneous.

Exemption from horse-tax.

25. Every mounted officer, and every mounted orderly of a corps of Volunteers, and every member of such corps, while he belongs to a troop of cavalry in such corps, shall be at liberty to keep one horse without being liable to pay in respect thereof any municipal or other tax imposed upon horses.

26. No

Limitation of suits.

26. No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act or the said Act No. XXIII of 1857, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

Office Supdt. Govt. Printing.—No. 3846 L. C.—25-9-69.—2,600.

THE EUROPEAN VAGRANCY ACT, 1869.

CONTENTS.

PREAMBLE.

PART I.

PRELIMINARY.

SECTION.

1. Short title.
2. Commencement and extent of Act.
3. Interpretation-clause.

PART II.

PROCEDURE.

4. Power to require apparent vagrant to go before Police Magistrate or Justice of the Peace with full powers of a Magistrate.
5. Summary inquiry into vagrant's circumstances.
   Order to go to work-house.
6. Forwarding vagrant to place of employment.
7. Assistance to obtain employment.
8. Subsistence allowance.
9. Power to give certificates.
   Form of certificate.
10. Power to invest Justices, District Superintendents of Police, &c., with jurisdiction of full power Justices under Part II.

PART III.

GOVERNMENT WORK-HOUSES.

11. Provision of Government Work-houses.
    Scale of diet.
12. Superintendence of work-houses.
13. Search of vagrants.
14. Discipline.
15. Refusal to accept employment.

PART IV.

REMOVAL FROM INDIA.

16. Removal of vagrants.
    Cost of removal.

PRICE FOUR ANNAS.

SECTION.

17. Agreements with vagrants.
    Form of agreement.
18. Power to perform agreement.

PART V.

PENALTIES.

19. Refusal to go before Police Magistrate or Justice.
    Assaulting Police.
20. Escaping from Police.
    Quitting work-house without leave.
21. Failing to proceed to port of embarkation.
    Refusing to go on boardship.
    Escaping from ship.
22. Returning to India.
23. Begging.
24. Procedure on close of imprisonment.
25. Penalty on shipmaster bringing European convicts to India.
    Power to exempt certain shipmasters.
26. Recovery of fines.
    Payment of fines.
27. Prosecutions.
28. Limits of jurisdiction.
29. Validity of proceedings where Police Magistrate or Justice is not the nearest.

PART VI.

MISCELLANEOUS.

30. Deprivation of privileges of European British subjects under Criminal Procedure Code.
31. Liability of importers of Europeans or employers of soldiers becoming vagrants.
    Recovery of charges.
32. Exercise of powers conferred on Local Government.
33. Exercise in Native States of powers conferred on Magistrates, Justices and Police.
34. Power to make rules for guidance of officers.

THE FIRST SCHEDULE (form of Certificate).

THE SECOND SCHEDULE (form of Agreement).

ACT No. XXI OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 18th September 1869).

An Act to provide against European Vagrancy.

Preamble.

WHEREAS numerous persons of European extraction are at present wandering in a destitute condition throughout India, and whereas such conduct is prejudicial to public order, and it is expedient to prevent the same; It is hereby enacted as follows:—

PART I.

PRELIMINARY.

Short title.

1. This Act may be called "The European Vagrancy Act, 1869."

Commencement and extent of Act.

2. Sections three, seventeen, eighteen, twenty-one, twenty-two, twenty-three, twenty-seven, twenty-eight, thirty, thirty-two, thirty-three and thirty-four shall come into operation at once, and shall extend to the whole of British India and to the dominions of Princes and States in India in alliance with Her Majesty:

Sections twenty-five, twenty-six and thirty-one shall come into operation on the first day of January 1870, and shall extend to the whole of British India and to the said dominions:

And the rest of this Act shall come into operation in such parts of British India and of the said dominions and on such day or respective days as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

3. In

Interpretation-clause.

3. In this Act—

"Person of European extraction."

"Person of European extraction" includes Americans and Australasians:

"Vagrant."

"Vagrant" means a person of European extraction found asking for alms, or wandering about without any employment or visible means of subsistence:

"Master of a ship."

"Master of a ship" includes any person in charge of a decked vessel:

"Magistrate."

And in Parts III and V of this Act "Magistrate" means, within the limits of the towns of Calcutta, Madras and Bombay, a Magistrate of Police, and, outside those limits, a person exercising powers under the Code of Criminal Procedure not less than those of a Subordinate Magistrate of the first class.

PART II.

PROCEDURE.

Power to require apparent vagrant to go before Police Magistrate, or Justice of the Peace with full powers of a Magistrate.

4. Any Police officer may, within the limits of the towns of Calcutta, Madras and Bombay, require any person who is apparently a vagrant to accompany him or any other Police officer to and to appear before the nearest Magistrate of Police, and may, without those limits, require any such person to accompany him or any other Police officer to and to appear before the nearest Justice of the Peace exercising the full powers of a Magistrate under the Code of Criminal Procedure.

Summary inquiry into vagrant's circumstances.

5. The Magistrate of Police or Justice shall make a summary inquiry into the circumstances and character of the alleged vagrant; and if he is satisfied that such person is a vagrant, he shall record in his office a declaration to that effect.

Order to go to workhouse.

If he is further of opinion that the vagrant is not likely to obtain employment at once, or if he has reason to believe that a declaration of vagrancy has on any former occasion been recorded in respect of such vagrant, he shall require the vagrant to go to a Government workhouse and shall draw out an order to that effect.

The

The vagrant shall then be placed in charge of the Police for the purpose of being forwarded to the work-house, and the said order shall be a sufficient authority to the Police for retaining him in their charge while he is on his way to the work-house, and to the governor of the work-house for receiving and detaining such vagrant.

Forwarding vagrant to place of employment.

6. Where the officer making the inquiry mentioned in section five is of opinion that the vagrant is likely to obtain employment in any place subject to the Local Government or (when the vagrant is in any part of the said dominions) in any place subject to the nearest Local Government, such officer may in his discretion forward the vagrant to such place in charge of the Police and draw up an order to that effect.

Such order shall be a sufficient authority to the Police for retaining the vagrant in their charge while he is on his way to such place of employment.

Assistance to obtain employment.

7. Upon his arrival at the place of employment, the vagrant shall be taken before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, to whom the order for transmission shall be delivered.

Such officer shall thereupon, to the best of his ability, assist the vagrant in seeking employment, and may in the meantime, if he think fit, keep the vagrant in the charge of the Police.

Should the vagrant fail to obtain suitable employment within a reasonable time not exceeding fifteen days from such arrival, such officer shall forward him to a Government work-house in the manner provided by section five.

Subsistence allowance.

8. Every person while in charge of the Police, whether before inquiry as to his vagrancy, or while he is on his way, under section five, to the work-house, or, under section six, to a place of employment, shall be entitled to an allowance for his subsistence at the rate of eight annas per diem.

The Magistrate of Police or Justice, before whom any vagrant is taken under section seven, may, if he think fit, order the vagrant to receive a similar allowance while he is seeking employment.

The

The Local Government shall cause such allowance to be paid out of such funds at its disposal and in such manner as it may from time to time direct.

Power to give certificates.

9. Any Magistrate of Police or Justice of the Peace exercising full powers as aforesaid may, on being satisfied that any person of European extraction is not likely to become a vagrant, give such person a certificate under his hand stating that for a certain time (mentioning it) not exceeding six months from the date of the certificate, and within certain limits (mentioning them), nothing in sections four, five, six and seven shall apply to the holder of such certificate; and thereupon (subject to the provisions contained in sections twenty-three and twenty-four) nothing in sections four, five, six and seven shall apply to such person for such time and within such limits as aforesaid.

Form of certificate.

Every such certificate shall be in the form set forth in the first schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to invest Justices, District Superintendents of Police, &c., with jurisdiction of full power Justices under Part II.

10. The Local Government may from time to time, by notification in the official Gazette, invest any Justice of the Peace, District Superintendent of Police, or Assistant District Superintendent of Police with the jurisdiction and powers conferred by this Part on a Justice of the Peace exercising full powers as aforesaid.

PART III.

GOVERNMENT WORK-HOUSES.

Provision of Government work-houses.

11. The Local Government, with the previous sanction of the Governor General of India in Council, may provide work-houses, with their necessary furniture and establishment, at such places as it may think proper, for the temporary reception of vagrants,

or may by writing under the hand of a Secretary to such Government, certify any building, or part of a building not provided as a work-house under the former part of this section, to be fit for a work-house for the purposes of this Act. Every such certificate shall be published in the local official Gazette, and thereupon such building or part of a building shall, until the Local Government otherwise orders, be deemed a Government work-house under this Act.

The

The Local Government shall allow the same scale of diet for the support of vagrants received in such work-houses as is for the time being allowed for Europeans confined in the local prisons or penitentiaries.

Scale of diet.

12. Every such work-house shall be under the immediate charge of a governor, who shall be appointed and may be suspended or removed by the Local Government.

Superintendence of work-houses.

Every such governor shall, if the Local Government think fit, be subject to the orders of a Committee of Management appointed from time to time by such Government, or, in the absence of a Committee, to the orders of such officer as the Local Government shall from time to time appoint in this behalf.

13. Every such governor may order that any vagrant admitted to the work-house under his charge shall be searched, and that the vagrant's bundles, packages and other effects shall be inspected, and may direct that any money then found with or on the vagrant, shall be applied (subject to the orders of the Local Government) towards the expense of carrying this Act into execution, and may order that all or any of the said effects shall be sold, and that the produce of the sale be applied as aforesaid, but subject to the like orders.

Search of vagrants.

14. Vagrants admitted to work-houses under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed by the Local Government with the previous sanction of the Governor General of India in Council.

Discipline.

Any vagrant who knowingly disobeys or neglects any such rule, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to three months.

15. The governor and the Committee of Management (if any) of every such work-house shall use his and their best endeavours to obtain outside the work-house suitable employment for the vagrants admitted thereto.

Refusal to accept employment.

When such employment is obtained, any such vagrant refusing or neglecting to avail himself thereof, shall, on conviction before a Magistrate, be punishable with rigorous imprisonment for a term which may extend to one month.

PART IV.

PART IV.

Removal from India.

Removal of vagrants.

Cost of removal.

16. If after the lapse of a reasonable time no suitable employment is obtainable for any such vagrant, the Local Government may either (when he shall have entered into such agreement as hereinafter mentioned) cause him to be removed from British India in manner hereinafter provided, the cost of such removal being paid by Government;

or it may cause sections twenty-three and thirty to be read to him and may then release him.

Agreements with vagrants.

17. Any vagrant or other person of European extraction may enter into an agreement in writing with the Secretary of State for India in Council, binding himself—

(*a.*) to proceed to such port in British India as shall be mentioned in the agreement;

(*b.*) there to embark on board such ship and at such time as shall be directed by an officer appointed in this behalf by the Local Government of the territories in which such port is situate, for the purpose of being removed from India at the expense of the said Secretary of State in Council;

(*c.*) to remain on board such ship until she shall have arrived at her port of destination; and

(*d.*) not to return to India until five years shall have elapsed from the date of such embarkation.

Form of agreement.

Every such agreement may be on unstamped paper and shall be in the form set forth in the second schedule to this Act annexed, or as near thereto as circumstances will admit.

Power to perform agreement.

18. The Local Government of the territories in which the said port is situate may enter into such contracts for conveyance or otherwise, and perform such other acts as may be necessary to carry out such agreement on the part of the said Secretary of State in Council.

PART V.

PENALTIES.

Refusal to go before Police Magistrate or Justice.

19. Any person refusing or failing to accompany a Police officer to, or to appear before, a Magistrate of Police or Justice of the Peace, for the purpose of preliminary inquiry, when required so to do under section four, shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with imprisonment for a term which may extend to one month, or with fine, or with both.

Assaulting Police.

And any person who, when required under section four to accompany a Police officer to, or to appear before a Magistrate of Police or Justice of the Peace, commits an offence punishable under section three hundred and fifty-three of the Indian Penal Code, may, whether he be or be not an European British subject, be tried by a Magistrate for such offence.

Escaping from Police.

20. Any vagrant escaping from the Police while committed to their charge under the orders specified in sections five and six,

Quitting work-house without leave.

or leaving a work-house under this Act without permission from the governor,

shall for every such offence be punishable, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Failing to proceed to port of embarkation.

21. Any person entering into an agreement under section seventeen and failing to proceed in pursuance thereof to the port therein mentioned,

Refusing to go on boardship.

or refusing to embark when directed so to do under the same section,

Escaping from ship.

or escaping from the ship in which he has so embarked before she shall have reached her port of destination,

shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to six months.

22. Any

22. Any person returning to India within five years of the date of his embarkation pursuant to any agreement entered into under section seventeen, unless specially permitted so to do by the Secretary of State for India, shall for every such offence be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to two years.

Returning to India.

23. Any person of European extraction found asking for alms when he has sufficient means of subsistence,

Begging.

or asking for alms in a threatening or insolent manner,

or continuing to ask for alms of any person after he has been required to desist,

shall be punishable, whether he be or be not an European British subject, on conviction before a Magistrate, with rigorous imprisonment for a term not exceeding one month for the first offence, two months for the second, and three months for any subsequent offence.

24. Every person imprisoned under section nineteen, twenty, twenty-one, twenty-two or twenty-three shall, at the end of his term of imprisonment, be placed before the nearest Magistrate of Police or Justice of the Peace exercising full powers as aforesaid, who shall, if he think fit, forthwith deal with him in the manner prescribed by sections five and six.

Procedure on close of imprisonment.

The order of transmission shall certify the fact of the previous conviction.

25. Every master of a ship landing or allowing to land in any part of British India any person of European extraction who has been convicted in any other part of Her Majesty's dominions of felony or of an offence which, if committed in England, would be felony, shall, on conviction before a Magistrate, be liable, for every person so landed or allowed to land, to pay a fine not exceeding five hundred rupees and not less than one hundred rupees, and, in default of payment, to imprisonment for any term not exceeding two months,

Penalty on shipmaster bringing European convicts to India.

unless the defendant shall satisfy the Magistrate by evidence (which the defendant is hereby declared competent to give), that he had made due enquiry as to the person so landed or allowed to land, and that he had no reason to believe that such person had been convicted as aforesaid.

The

Power to exempt certain shipmasters.

The Governor General of India in Council may from time to time, by notification in the *Gazette of India*, exempt from the operation of the former part of this section the masters of any class of ships, on such terms as to the said Governor General in Council shall seem fit, and whether in respect of all or of any part of the persons on board such ships.

The said Governor General in Council may in like manner revoke any exemption made under this section.

Recovery of fines.

26. All fines imposed under this Act may be recovered, if for offences committed outside the local limits of the towns of Calcutta, Madras and Bombay, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the Police of such towns in force for the time being.

Payment of fines.

All fines recovered under this Act shall be paid to the credit of the Government of India, or as such Government shall from time to time direct.

Prosecutions.

27. All prosecutions under this Act may be instituted and conducted by such officer as the Local Government shall from time to time appoint.

Limits of jurisdiction.

28. In imposing penalties under this Part and Part III of this Act, no person shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure in the case of offenders not being European British subjects.

Validity of proceedings where Police Magistrate or Justice is not the nearest.

29. No proceeding under this Act shall be deemed invalid by reason only that the Magistrate of Police or Justice, before whom a person apparently a vagrant was required to appear, or before whom a person was placed under section twenty-four, was not the nearest.

PART VI.

PART VI.

MISCELLANEOUS.

Deprivation of privileges of European British subjects under Criminal Procedure Code.

30. Any European British subject who, upon the summary enquiry mentioned in section five, has been determined to be a vagrant, or who has been convicted under section twenty-two or section twenty-three, shall, so long as he remains in India, be subject, beyond the limits of the said towns, to the provisions of the Code of Criminal Procedure (other than those contained in chapter XIX of the same Code) applicable to an European not being a British subject.

If from any cause he is committed or held to bail by a Justice of the Peace to take his trial before a High Court, he shall not be at liberty to object to the jurisdiction of such Justice of the Peace or High Court on the ground of anything contained in the former part of this section.

An office copy of the declaration recorded under section five shall be *primâ facie* evidence that the European British subject named therein has been, upon such enquiry, determined to be a vagrant.

Liability of importers of Europeans or employers of soldiers becoming vagrants.

31. Whenever any person of European extraction lands in India,

or, being a Non-Commissioned Officer or Soldier in Her Majesty's army, leaves that army in India,

under an engagement to serve any other person, or any Company, Association or Body of persons in any capacity,

and becomes chargeable to the State as a vagrant within one year after his arrival in India or leaving the Army, as the case may be, then the person, or Company, Association or Body, to serve whom he has so landed in India or left the army, shall be liable to pay to the Government the cost of his removal under this Act and all other charges incurred by the State in consequence of his becoming a vagrant.

Such

Recovery of charges.

Such costs and charges shall be recoverable by suit as if an express agreement to repay them had been entered into with the Secretary of State for India in Council, by the person, Company, Association or Body chargeable.

Exercise of powers conferred on Local Government.

32. The powers and duties conferred and imposed by sections sixteen and eighteen on a Local Government may be exercised and performed by such class of officers as the Local Government shall from time to time, by notification in the official Gazette, appoint in this behalf.

Exercise in Native States of powers conferred on Magistrates, Justices and Police.

33. The powers and duties conferred and imposed by this Act on Magistrates, Justices of the Peace exercising the full powers of a Magistrate, and Police officers respectively may, in places beyond the limits of British India, be exercised and performed by such persons respectively as the Governor General of India in Council shall from time to time by notification in the *Gazette of India* appoint in this behalf.

Power to make rules for guidance of officers.

34. The Governor General of India in Council may from time to time make rules consistent with this Act for the guidance of officers in matters connected with its enforcement.

All such rules shall be published in the *Gazette of India.*

THE FIRST SCHEDULE.

(See Section 9.)

WHEREAS *E. F.* of a person of European extraction and holder of this certificate, has appeared before me and satisfied me that he is not likely to become a vagrant within the meaning of the European Vagrancy Act, 1869, THESE ARE TO CERTIFY that for the space of months from the date hereof and within the Province [*or* District] of nothing in sections four, five, six and seven of the same Act shall be deemed to apply to him, unless he is found asking for alms when he has sufficient means of subsistence, or asking for alms in a threatening or insolent manner, or continuing to ask for alms of any person after he has been required to desist: IN ANY OF WHICH CASES he shall be liable to be imprisoned and otherwise dealt with as provided in sections twenty-three and twenty-four of the said Act.

Dated this day of 18 . (Signed) *G. H.*

Magistrate of Police for the Town of *or* Justice of the Peace for exercising the full powers of a Magistrate.

THE

d

ACT No. XXI OF 1869.

THE SECOND SCHEDULE.

(See Section 17.)

ARTICLES OF AGREEMENT made this day of 18 BETWEEN the Secretary of State for India in Council of the one part and *C. D.* of &c., [*the vagrant*] of the other part: Each of the parties hereto (so far as relates to the acts on his own part to be performed) hereby agrees with the other of them as follows :—

1. The said *C. D.* shall proceed forthwith to the port of [*the port of embarkation.*]

2. The said *C. D.* shall there embark on board such ship and at such time as an officer appointed in this behalf by the Local Government shall direct.

3. The said *C. D.* shall remain on board such ship until she shall have arrived at her port of destination.

4. The said *C. D.* shall not return to India until five years shall have elapsed from the date of such embarkation, unless specially permitted so to return by the said Secretary of State.

5. The said Secretary of State in Council shall defray the cost of the transit of the said *C. D.* to the said port, and of his lodging and subsistence during such transit and during his detention (if any) at the same port, and shall contract with the owner of the said ship or his agent for the passage of the said *C. D.* on board the said ship, and for his subsistence during the voyage for which he shall embark as aforesaid.

IN WITNESS whereof *A. B.* (by order of the Governor General of India in Council [*or* the Governor of in Council, *or* the Lieutenant-Governor of , *or* the Chief Commissioner of], on behalf of the said Secretary of State in Council), and the said *C. D.* have hereunto set their hands the day and year first above written.

Office Supdt. Govt. Printing.—No. 4193 L. C.—7-10-69.—4,000.

ACT No. XXII OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 24th September 1869).

AN ACT *to remove the Gáro Hills from the jurisdiction of the tribunals established under the General Regulations and Acts and for other purposes.*

Preamble.

WHEREAS it is expedient to remove the territory commonly known as the Gáro Hills from the jurisdiction of the Civil, Criminal and Revenue Courts and offices established under the general Regulations and Acts, and to provide for the administration of justice and the collection of revenue in the said territory; It is hereby enacted as follows:—

Short title.

1. This Act may be called "The Gáro Hills Act, 1869."

Commencement of Act.

2. This Act shall come into operation on such day as the Lieutenant Governor of Bengal shall, by notification in the *Calcutta Gazette*, direct.

Repeal of enactments.

Proviso.

3. On and after such day, Act No. VI of 1835 (so far as it relates to the Khási Hills therein termed 'Cossyah' Hills), and the Bengal Regulation X of 1822 shall be repealed: Provided that such repeal shall not affect any settlement of land-revenue or other matters made under the latter enactment with zamíndárs or other persons in any place to which this Act applies.

Gáro Hills removed from operation of general Regulations and Acts.

4. Save as hereinafter provided, the territory known as the Gáro Hills, bounded on the north and west by the District of Gawálpárá, on the south by the District of Mymensingh as defined by the Revenue Survey, and on the east by the Khási Hills, is hereby removed from the jurisdiction of the Courts of Civil and Criminal Judicature and from the control of the offices of revenue constituted by the Regulations of the Bengal Code and the Acts passed by any legislature now or heretofore established in British India, as well as from the law prescribed for the said Courts and offices by the Regulations and Acts aforesaid;

And

PRICE TWO ANNAS.

And no Act hereafter passed by the Council of the Governor General for making Laws and Regulations shall be deemed to extend to any part of the said territory unless the same be specially named therein.

Administration of justice and settlement and collection of revenue vested in certain officers.

5. The administration of Civil and Criminal justice and the superintendence of the settlement and realization of the public revenue and of all matters relating to rent within the said territory, are hereby vested in such officers as the said Lieutenant Governor may, for the purpose of tribunals of first instance or of reference and appeal, from time to time appoint. The officers so appointed shall, in the matter of the administration and superintendence aforesaid, be subject to the direction and control of the said Lieutenant Governor and be guided by such instructions as he may from time to time issue.

Place of imprisonment or transportation.

6. Any person liable to be imprisoned in any civil or criminal jail, or to be transported beyond sea, under any order or sentence passed by any officer or Court empowered as provided in this Act, may be imprisoned in any civil or criminal jail, or transported to any place, which the said Lieutenant Governor may direct.

Power to prevent private collection of cesses.

7. The said Lieutenant Governor may prevent, by such means as he shall think fit, the collection by zamíndárs or other persons of any cesses, tributes, or exactions, on whatsoever pretence the same may be levied, from the inhabitants of the said territory, and may make arrangements either for the remission of such cesses, tributes and exactions, or for their collection direct by the officers of Government, making such compensation to zamíndárs or others justly entitled thereto, for the relinquishment of the same, as may to him seem proper.

Compensation.

Power to extend laws to Gáro Hills.

8. The said Lieutenant Governor may, from time to time, by notification in the *Calcutta Gazette*, extend to the said territory any law, or any portion of any law, now in force in the other territories subject to his government, or which may hereafter be enacted by the Council of the Governor General or of the said Lieutenant Governor for making Laws and Regulations,

and may on making such extension direct by whom any powers or duties incident to the provisions so extended shall be exercised or performed, and make any order which he shall deem requisite for carrying such provisions into operation.

9. The

Power to extend Act to Jintíá and Nága Hills, and to British portion of Khási Hills.

9. The said Lieutenant Governor may, from time to time, by notification in the *Calcutta Gazette*, extend, *mutatis mutandis*, all or any of the provisions contained in the other sections of this Act to the Jintíá Hills, the Nága Hills, and to such portion of the Khási Hills as for the time being forms part of British India.

Every such notification shall specify the boundaries of the territories to which it applies.

Questions of disputed boundary.

10. Whenever a question arises whether any place falls within the boundary of the territory described in section four or within the boundary of any of the territories to which provisions of this Act may be extended under section nine, such officers as the said Lieutenant Governor shall from time to time appoint may consider and determine on which side of the boundary such place may lie, and the order made thereon by such officer shall be final.

Office Supdt. Govt. Printing.—No. 4182 L. C.—8-10-69.—3,000

ACT No. XXIII of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 26th November 1869).

An Act to enhance the duties leviable under the Indian Income Tax Act.

Commencement and continuance of Act.

1. This Act shall come into operation on the first day of December 1869, and shall continue in force to the thirty-first day of March 1870.

Enhancement of duty on salaries.

2. Section six of the Indian Income Tax Act shall, in respect of salaries, pensions and annuities payable on or after the first day of December 1869, be construed as if, for the words "one per centum," the words "two and a half per centum" were substituted.

Whenever the additional duty leviable under the former part of this section in December 1869 is not deducted at the time of payment in that month from the pay, annuity or pension chargeable therewith, such additional duty shall be deducted from the pay, annuity or pension aforesaid at the time of payment in January 1870.

Proviso as to duty on aggregate amount of salaries for the half year commencing 1st October 1869.

3. Nothing in the last preceding section shall authorise the deduction of duty exceeding two per centum on the aggregate amount of any salaries, annuities or pensions chargeable under Part II of the said Act in the six months commencing on the first day of October 1869.

Enhancement of duty paid by Companies.

4. In addition to the sum of one per centum payable or paid under section ten of the said Act, the Treasurer, Secretary or principal Agent or Manager in India of every Company therein referred to shall, on the first day of December 1869, pay to Government one-half per centum on the moiety or the whole (as the case may be) of the nett profits of such Company chargeable under the same section.

Every

PRICE TWO ANNAS.

Every such payment shall be deemed to be a payment required by the said section ten.

Enhancement of duty on income.

5. In addition to the duty leviable or levied on income and profits under Part IV of the said Act, there shall be levied one moiety of the duty imposed by the said Part on such income or profits, and such moiety shall be payable on the first day of December 1869, and shall be deemed to be duty leviable under the said Part IV.

Service of supplementary notice.

6. When a notice has been already served under section sixteen of the said Act on a person chargeable with additional duty under the last preceding section, a supplementary notice shall be served upon him; and the provisions as to notices and receipts, contained in the said Act shall, *mutatis mutandis*, apply respectively to such supplementary notices and to receipts granted for payments in pursuance thereof.

Bar of petitions in respect of additional duty.

7. No person shall be entitled, in respect only of the additional duty with which he is assessed under this Act, to apply by petition under section nineteen of the Indian Income Tax Act.

This Act to be read with Act IX of 1869.

8. This Act shall be read with and taken as part of the Indian Income Tax Act.

Office Supdt. Govt. Printing.—No. 5238 L. C.—27-11-69.—4,000.

ACT No. XXIV OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th December 1869).

AN ACT *to enhance the price of Salt in the Presidency of Fort St. George and the duty on Salt in the Presidency of Bombay.*

Preamble.

WHEREAS it is expedient to enhance the price of salt manufactured and sold in the Presidency of Fort St. George and the duty leviable on salt manufactured in or imported into the Presidency of Bombay; It is hereby enacted as follows:—

Repeal of enactments.

1. Act No. VI of 1844 *(for abolishing the levy of Transit or Inland Customs Duties, for revising the Duties on Imports and Exports by Sea, and for determining the price at which Salt shall be sold for home consumption within the territories subject to the Government of Fort St. George)*, sections 44 and 45, and Act No. VII of 1861 *(to empower the Governor General in Council to increase the rate of duty leviable on Salt manufactured in, or imported into, any part of the Presidency of Bombay)*, Act No. XIX of 1866 *(to enhance the price of Salt manufactured and sold under the orders of the Governor of the Presidency of Fort St. George in Council)*, and the Ordinance to enhance the duty on salt in the Presidencies of Madras and Bombay, dated the fourth day of October 1869, are hereby repealed.

Price of salt in Madras.

2. The price to be paid to the Local Government for salt manufactured and sold under the orders of the Governor of the Presidency of Fort St. George in Council for consumption within the territories subordinate to that Presidency, shall be two rupees for every maund of three thousand two hundred tolas weight of salt;

And

Duty on salt in Bombay.

And an excise duty of one rupee and thirteen annas per maund of three thousand two hundred tolas shall be levied on salt manufactured in, and a Customs duty of one rupee and thirteen annas per maund of three thousand two hundred tolas shall be levied on salt imported either by sea or by land into, any part of the Presidency of Bombay.

Saving of duty in Sindh.

3. Nothing hereinbefore contained shall affect any duty now leviable on salt in the Province of Sindh.

Office Supdt. Govt. Printing.—No. 5600 L. C.—14-2-69.—3,500.

ACT No. XXV OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 10th December 1869).

AN ACT *to provide Rules for the manufacture, storing and sale of Alimentary Salt in the North-Western Provinces, the Panjáb, Oudh and the Central Provinces, and for other purposes.*

Preamble.

WHEREAS it is expedient to provide rules for the manufacture, storing and sale of alimentary salt in the territories for the time being respectively under the governments of the Lieutenant Governors of the North-Western Provinces of the Presidency of Fort William and of the Panjáb and the administrations of the Chief Commissioners of Oudh and the Central Provinces; And whereas it is also expedient to impose a duty on salt manufactured in the said territories and to provide rules for the collection of such duty; It is hereby enacted as follows:—

Power to make rules for manufacture of salt.

1. The Local Government may, with the previous sanction of the Governor General of India in Council, from time to time prescribe rules for the manufacture, storing and sale of alimentary salt in the said territories or any part thereof:

Provided that such rules are consistent with Act No. XIV of 1843 *(for regulating the levy of Customs Duties and the manufacture of Salt in the North-Western Provinces of the Presidency of Bengal)*, Act No. XXXVI of 1855 *(to empower Officers of Customs and Land Revenue to search Houses and other enclosed places for contraband Salt in the North-Western Provinces)*, Act No. XIX of 1862 *(to extend to the Province of Oudh certain provisions of Acts XIV of* 1843 *and XXXVI of* 1855 *relating to the manufacture of contraband Salt, and to amend the last-named Act)*, and Act No. VII of 1864 *(for regulating the importation and manufacture of Alimentary Salt, in the Territories administered by the Chief Commissioner of the Central Provinces)*.

2. The

PRICE TWO ANNAS.

Duty on manufactured salt.

2. The Governor General of India in Council may order the levy of a duty on salt manufactured in any of the said territories, and may from time to time alter such duty: provided that it shall not exceed three rupees per maund of three thousand two hundred tolas.

Power to make rules for collection of duty.

3. The Local Government may, with the previous sanction of the Governor General in Council, from time to time prescribe rules for the collection of the said duty in such manner and at such places as shall seem fit.

Publication of rules.

4. All rules made under this Act shall be published in the local official Gazette, and shall thereupon have the force of law.

Penalties.

5. Whoever knowingly violates any such rule, and whoever abets, within the meaning of the Indian Penal Code, any person in violating any such rule, shall be punishable on conviction before a Magistrate with fine not exceeding five hundred rupees, or with imprisonment for any term not exceeding six months, or with both:

Provided that, in imposing penalties under this section, no Magistrate shall exceed the limits of jurisdiction prescribed for him by the Code of Criminal Procedure.

Office Supdt. Govt. Printing.—No. 5605.—14 12-69.—3,000.

ACT No. XIX of 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 3rd September 1869).

An Act to facilitate administration to the estates of deceased British subjects in the Hyderabad Assigned Districts.

Preamble.

WHEREAS under the Administrator General's Act, 1867, the Administrator General of Madras is, in the cases therein mentioned, entitled to administer to the estates of deceased British subjects in the Hyderabad Assigned Districts; and whereas the facilities of communication between the said Districts and Bombay are now greater than those between the said Districts and Madras, and it is therefore expedient to substitute, so far as regards the said estates, the Administrator General of Bombay for the Administrator General of Madras; It is hereby enacted as follows:—

Alterations of Act XXIV of 1867, sec. 3.

1. The definition of "Presidency of Madras" contained in the third section of the Administrator General's Act, 1867, shall be read as if the words "and the Hyderabad Assigned Districts" were omitted therefrom;

and the definition of "Presidency of Bombay" contained in the same section shall be read as if the following words were added thereto (that is to say) "and also, so far as regards British subjects, the Hyderabad Assigned Districts."

Saving of probates and administrations already granted to Administrator General of Madras.

2. Nothing in this Act shall affect the rights, powers or duties of the Administrator General of Madras, under or by virtue of any probate or letters of administration heretofore granted to him.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing. No. 3671 L. C.—1869.—2,000.

ACT No. XXVI OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 31st December 1869).

An Act to correct a clerical error in Act No. VIII of 1863.

Preamble.

WHEREAS Act No. VIII of 1863 *(for the amendment of the law relating to the confinement of Prisoners sentenced by Courts acting under the authority of Her Majesty, and by certain other Courts, and of Prisoners convicted of offences in Native States)*, section 2, enacts that "Officers in charge of Jails within the British Territories in India shall be competent to give effect to any sentence which shall be passed by any Court or Tribunal acting under the authority of Her Majesty, or of the Government of India, or of any Local Government, although such Court be *not* situate in a place not subject to the general Regulations;"

And whereas it is expedient to correct the clerical error hereinbefore indicated by italics; It is hereby enacted as follows:—

Amendment of Act VIII of 1863, section 2.

1. The said section shall be read as if, for the phrase "be not situate," the phrase "be situate" were substituted.

PRICE TWO ANNAS.

Office Supdt. Govt. Printing.—No. 6152 L. C.—4-1-70.—2,500.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL

IN THE YEAR 1868.

	Act.	Sec.
ABATEMENT of rent, suits for, (Oudh)	XIX	19, 83, par. 12
grounds of right to, (Panjáb)	XXVIII	14
ABOLITION of municipal taxes (N. W. P.)	VI	21
ACCOUNT of grounds of demand of arrears made (Oudh)	XIX	52
service of, ...	„	52
ACCOUNTS, suit by landlord for agent's, (Oudh)	XIX	83, p. 5
suit by sharer for, ...	„	83, p. 15
ACKNOWLEDGMENT of tender of rent (Oudh)	XIX	13
compensation for withholding, ...	„	83, p. 9
ACT VIII of 1859, see *Code of Civil Procedure.*		
XXIII of 1861	XIX	(9), 25, (13), 119
ACTS, judicial notice to be taken of, ...	I	7
recitals in, ...	„	8
ADJOURNMENT of meetings of N. W. P. municipal committees	VI	9
'AFFIDAVIT' defined	I	2, cl. 17
AGENT, recognized, of landlord (Oudh)	XIX	17, 21
of landlord may enter to survey and measure	„	27
authorized by power-of-attorney, distress by, ...	„	49
suits by landlord against, ...	„	83, p. 5
surety of, ...	„	83, p. 5
suits by or against managing, ...	„	100
authorized, to have notice to attend	„	103
limitation of suits against, ...	„	107
AGREEMENTS in writing saved, see *Written agreement.*		
that rent shall be altered (Oudh)	XIX	36
for payment in excess of previous rent	„	48
to waive claim on incumbrancer	„	127
between landlords and tenants (Panjáb), saved...	XXVIII	2
certain entries in settlement record (Panjáb) to be deemed, ...	„	2
not to let or underlet	„	32
AGRICULTURAL year, (Panjáb), power to fix commencement of, ...	XXVIII	10, 29
ALIENATION by tenants (Panjáb)	XXVIII	34
ALIENEE, rights and liabilities of tenant's, (Panjáb)	XXVIII	35
ALTERATION OF DATES for suing to dispute, and for service of notice of ejectment (Panjáb)	XXVIII	24

	Act.	Sec.
AMOUNT of rent payable, lease to specify, (Oudh)	XIX	7
of compensation for improvements (Oudh)	"	25
(Panjáb)	XXVIII	37
'ANCESTRAL PROPERTY' defined (Panjáb)	XXVIII	109
APPEAL from decision of settlement officers as to commutation of rent in kind (Oudh)	XIX	28
heard by collector	"	91, 94
heard by commissioner	"	92, 94
heard by financial commissioner	"	93, 94
time for presenting, ...	"	94
applications for, ...	"	94
when it lies in suits under one hundred rupees	"	95
transfer of, ...	"	97
not from order on application to recover possession	"	102
to commissioner of revenue against collector's decision under Certificate Act ...	IX	15
stamp on, ...	"	15
APPEALS in Panjáb, amendment of law relating to, ...	VII	...
under Coorg Courts' Act	XXV	7-11, 18, 23
from orders on applications under certain sections of Panjáb Tenancy Act to lie to Financial Commissioner	XXVIII	42
APPLICATION on making deposit of revenue or rent (Oudh)	XIX	15
to tahsíldár in case of refusal to receive notice of desire to relinquish land	"	21
for determination of difference as to compensation for improvements ...	"	25
to settlement officer for commutation of rents in kind	"	28
to court for officer to make division, &c., of produce taken for rent ...	"	30
to court by distrainer in case of resistance	"	55
for sale of crops distrained	"	57
form of,...	"	58
for admission of special appeal	"	94
to recover land of which applicant has been illegally dispossessed ...	"	102
under certain sections of Panjáb Tenancy Act to be proceedings on revenue side	"	42
appeals to lie to Financial Commissioner from orders on such, ...	"	42
to court for officer to make division, &c., of produce taken for rent (Panjáb)	XXVIII	17
procedure on such, ...	"	88
to tahsildár to serve notice of ejectment	"	23
for assistance to eject	"	26
to tahsildár in case of landlord's refusal to receive notice of relinquishment	"	31
to court in case of difference as to compensation for improvements ...	"	39
APPOINTMENT of municipal committees in N. W. P.	VI	6
of president, vice-president and secretary	"	7
APPRAISEMENT of produce taken for rent (Oudh)	XIX	30
(Panjáb)	XXVIII	17

	Act.	Sec.
ARBITRATION, questions as to compensation for improvements may be referred to, (Oudh)	XIX	25
AREA diminished, see *Abatement of rent.*		
'ARREAR of rent' defined (Oudh)	XIX	12
of revenue' defined, ...	"	12
of rent, ejectment for, ...	"	40
for which distress may be made	"	48
written demand of, ...	"	52
of rent, suit for, ...	"	83, par. 2
ARREAR of revenue, suit for, (Oudh)	XIX	83, par. 18
of rent' defined (Panjáb)	XXVIII	3
ARREARS of municipal taxes, recovery of, ...	VI	35
ARREST of person resisting distress or removing distrained property (Panjáb) ...	XXVIII	81
ASSESSMENTS by N. W. P. municipal committees	VI	11
ASSIGNEES of revenue, see *Muáfiddrs.*		
ASSISTANCE TO EJECT (Oudh)	XIX	45
(Panjáb)	XXVIII	26
ASSISTANT COLLECTOR, court of, (Oudh)	XIX	84
settlement officers may be invested with jurisdiction of, ...	"	87
of second class	"	88
of first class...	"	89
jurisdiction of, ...	"	88, 89
to be subject to control of deputy commissioner	"	99
"ASSISTANT COMMISSIONER" includes extra assistant commissioner (Oudh) ...	XIX	3
chief commissioner may declare grade of, ...	"	85
Panjáb government may invest any person with powers of, ...	III	1
See *Neilgherry Hills.*		
ASSISTANT SUPERINTENDENT (Coorg), jurisdiction of, ...	XXV	7, 8
ATTACHMENT not to prevail against landlord's claim (Oudh)	XIX	76
of property of defendant decreed to deliver papers or accounts ...	"	121
ATTORNEYS of presidency high court, saving of fees allowed to, ...	XV	8
AUCTION of property distrained (Oudh)	XIX	64
See *Sale.*		
AUTHORITY to continue to occupy after service of notice of ejectment (Oudh) ...	XIX	46
AUTHORIZED AGENTS, see *Agent.*		
AWARD as to division, &c., of produce taken for rent (Oudh)...	XIX	31
(Panjáb)	XXVIII	18
BALANCE, see *Decree, Limitation.*		
BANK OF BOMBAY, Act to appoint commission to enquire into failure of, ...	XVII	...
BAR OF RIGHT to compensation for improvements (Oudh)	XIX	26
(Panjáb)	XXVIII	41
'BARRISTER' defined	I	2, cl. 14
BENEFICIAL LEASE, compensation for improvements by grant of, (Oudh) ...	XIX	24
(Panjáb) ...	XXVIII	39
by under-proprietor, registration of, ...	"	126
See *Incumbrances.*		

	Act.	Sec.
Bombay Presidency, exemption of certain villages in, from operation of general acts and regulations	IV	...
governor in council of, may delegate to commissioner in Sind certain powers of local government	V	...
Bond, withdrawal of distress on execution of, (Oudh)	XIX	62
certificate of execution of, ...	"	62
Book Circular No. 33 of 1860 of Financial Commissioner (Panjáb) repealed ...	XXVIII	4
Breach of Trust, liability of members of municipal committees (N. W. P.) for, ...	VI	30
British Burma, Act to give validity to certain Ábkárí rules in, ...	XXIII	...
'British India' defined	I	2, cl. 8.
'Brothel-keeper' defined	XIV	2
punishment of unregistered, ...	"	4
local government to make rules for registration of, ...	"	5
entry of name, residence and situation of brothel of, ...	"	5
to give notice of change of his residence or brothel... ...	"	6
refusing to show evidence of registration	"	7
permitting unregistered prostitutes to resort to his brothel ...	"	8
legally bound to furnish information	"	9
Burden of proof in suits to contest distrainer's demand (Oudh)	XIX	72
Business, distribution of, (Oudh)	XIX	96
Cancellation of lease (Oudh)	XIX	11
suit for, ...	"	83, par. 4
Cantonment, not without previous consent of governor general in council to be brought within operation of N. W. P. Municipal Improvements' Act	VI	4
Casting Vote at meetings of N. W. P. municipal committees	VI	9
Certificate Act	IX	...
to be taken out by professional men and tradesmen	"	5
continuance of, ...	"	6
renewal of, ...	"	7
date of, ...	"	8
to persons commencing business	"	9
officer to grant, ...	"	10
contents of, ...	"	11
collector to determine holders of, ...	"	12
list of holders of, ...	"	13
objection to such list	"	14
penalty for not taking out, ...	"	17
to be produced on demand	"	18
need not be taken out by government official	"	23
need not be taken out by servants of companies	"	24
of institution of suit to contest distrainer's demand (Oudh)... ...	XIX	60
of execution of bond for amount due by defaulting tenant	"	62
to purchaser of distrained property	"	66
Cessation of tenancy (Panjáb) on failure to contest notice of ejectment ...	XXVIII	25
Chairman at meetings of N. W. P. municipal committees	VI	9
Charge of distrained property (Oudh)	XIX	54

	Act.	Sec.
CHIEF COMMISSIONER included in local government	I	2, cl. 10
may extend provisions as to commutation of rents (Oudh) ...	XIX	29
make rules for guidance of commuting officers	"	29
declare grade of assistant commissioner	"	85
invest tahsíldárs with powers of assistant commissioner ...	"	85
invest settlement officers with powers of collectors ...	"	87
may invest deputy collector with certain powers of collector (Oudh)	"	91
may invest any collector with the powers of a commissioner ...	"	91
See *Oudh.*		
CHIEF COURT OF PANJÁB may remove and try appeals	VII	8
CHIEF JUSTICE when to decide questions as to necessity of imposing stamps ...	XV	9
CIVIL COURTS to hear cases under certain sections of Panjáb Tenancy Act ...	XXVIII	42
CLEARING, see *Jungle, Wasteland.*		
CLERK of presidency small cause court to decide questions as to necessity of imposing stamps	XV	9
CLERKS exempt from Certificate Act	IX	3
COCHIN, see *Pepper.*		
CODE OF CIVIL PROCEDURE, section 24 to apply to person verifying declaration on deposit, in court, of revenue or rent (Oudh) ...	XIX	15
chapter 6 *(as to reference to arbitration)* to apply to proceedings on application to settle compensation for improvements	"	25
to be procedure under Oudh Rent Act	"	109
local enquiry under, (Oudh)	"	117
notification extending, ...	"	sch. D
CODE OF CRIMINAL PROCEDURE extended to Coorg	XXV	25
CODICIL included in 'will'	I	2, cl. 16
COLLECTOR to grant certificates	IX	10
to determine certificate holders and their classes	"	12
to prepare a list of certificate holders	"	13
person objecting to list may petition, ...	"	14
to hear petition	"	15
appeal from order of, ...	"	15
may summon persons to give necessary information	"	16
when to grant certificates to persons convicted of not taking out certificate	"	17
prosecutions to be at instance of, ...	"	20
may recover certificate tax as an arrear of land revenue	"	29
court of, (Oudh)	XIX	84
deputy commissioner to have powers of, ...	"	86
settlement officers may have powers of, ...	"	87
jurisdiction of, ...	"	91
time for appealing to, ...	"	94
to be subject to control of commissioner and financial commissioner ...	"	99
may make local enquiry	"	117
See *Deputy Collector.*		

	Act.	Sec.
COMMISSION, see *Bank of Bombay.*		
COMMISSIONER in Sind, Governor of Bombay in council may delegate certain powers of local government to, ...	V	...
of division may make suggestions to and call for information from N. W. P. municipal committees	VI	10
of revenue, collector's order on certificate holder's petition appealable to,	IX	15
may summon persons to give necessary information	"	16
court of, (Oudh)	XIX	84
collector may be invested with powers of, ...	"	91
jurisdiction of, ...	"	92
time for appealing to, ...	"	94
may transfer suits in subordinate courts, ...	"	97
may transfer appeals in collectors' courts	"	97
See *Neilgherry Hills.*		
COMMITTEE' defined	VI	2
COMMUTATION of rents in kind (Oudh)	XIX	28
See *Appeal, Local Government.*		
of rent in kind or in money (Panjáb)	XXVIII	16
COMPANIES liable to certificate tax	IX	22
See *Servants.*		
COMPANY included in 'person'	I	2, cl. 3
COMPENSATION for withholding receipt or acknowledgment of tender (Oudh) ...	XIX	13
to tenant for non-acceptance of revenue or rent	"	17
for illegal enforcement of payment of rent	"	18
for tenants' improvements (Oudh)	"	22
how made	"	24
difference as to amount or value of, ...	"	25
bar of right to claim	"	26
for illegal ejectment	"	45
to ejected tenant for growing crops	"	46
for vexatious distress	"	73
for illegal distress	"	78
for illegal act or neglect of distrainer	"	79
for distress or sale falsely purporting to be under Act	"	80
suits for, by under-proprietor or tenant	"	83, par. 9
See *Application, Arbitration.*		
to ejected tenant for growing crops (Panjáb)	XXVIII	27
for tenants' improvements (Panjáb)	"	37
how made	"	39
provision for difference as to amount or value of, ...	"	40
tender of lease for twenty years to bar right to, ...	"	41
CONDITIONS, lease to mention special, (Oudh)	XIX	7
CONFIRMATION of taxes to be imposed by N. W. P. municipal committees ...	VI	12
proceedings of settlement officers (Panjáb)	XXVIII	45
CONSENT of both parties necessary to commutation of rent in kind (Panjáb) ...	XXVIII	16

	Act.	Sec.
CONSENT of landlord necessary to alienation by non-occupancy tenant	XXVIII	34
CONTAGIOUS DISEASES, Act for prevention of certain, ...	XIV	...
See *Inoculation.*		
CONTRACTS made with N. W. P. municipal committees, penalty on member or servant interested in, ...	VI	32
COPY of list of property distrained to be delivered to owner (Oudh)	XIX	53
of proclamation fixing day for sale of distrained property	"	59
COORG, jurisdiction of courts in, ...	XXV	...
grades of courts in, ...	"	2
extension of Code of Criminal Procedure to, ...	"	25
CORRESPONDENCE between Local Government and N. W. P. municipal committees ...	VI	10
CO-SHARER, possession of under-proprietary right by, (Oudh)	XIX	5
may pay into court, without suit brought, amount of rent due ...	"	14
suits against, ...	"	83, par. 15
suits by, ...	"	83, par. 17
in under-proprietary tenure, may claim right of pre-emption ...	"	128
COSTS of service of notice of desire to relinquish land (Oudh)	XIX	21
of service of notice of ejectment	"	43
of distress, distress for, ...	"	53
tender of, ...	"	56
payment of, ...	"	63
sale for, ...	"	64
of suit to contest distrainer's demand	"	61
of sale of distrained property	"	67
deposit of, procedure on, in cases of dispute concerning division and appraisement of produce (Panjáb)	XXVIII	18
of service of notice of ejectment	"	23
of service of notice of relinquishment	"	31
of service of notice of application for adjudication in case of dispute as to compensation	"	40
COUNTERPART OF LEASE, landlord's right to, (Oudh)	XIX	10
suit for delivery of, ...	"	83, par. 1
granted by court	"	123
See *Limitation.*		
'COURT' defined (Oudh)	XIX	3
deposit in, of revenue or rent	"	14
to give receipt for deposit	"	15
when it may allow remission from rent	"	20
to determine difference as to compensation for improvements	"	25
application to, for officer to make division, estimate, or appraisement ...	"	30
to issue notice to attend at division, &c.	"	31
not to enquire into rate of rent payable by tenant not having right of occupancy	"	35
may give assistance to eject, ...	"	45
of wards, distress by manager under, ...	"	49

	Act.	Sec.
Court after decree, may grant lease or counterpart in case of defendant's refusal ...	XIX	123
See *Application, Deposit, Suit.*		
Courts of revenue, suits cognizable by, (Oudh)	"	83
grades of, ...	"	84
may sit anywhere within local limits of their jurisdiction	"	103
Crops liable to distress (Oudh)	XIX	51
when distrained, may be reaped and stored	"	54
suits for value of standing	"	83, par. 9
See *Perishable Property.*		
compensation to ejected tenant for growing, (Panjáb)...	XXVIII	27
(Oudh)	XIX	46
Cultivation not in accordance with terms of lease (Oudh)	XIX	38
Cultivator when exempt from taking out certificate	IX	3
Curator of lunatic or idiot included in 'representative' (Oudh)	XIX	3
Customs duty may be taken *pro-rata*	I	4
Damages, see *Compensation.*		
Date of certificate	IX	8, 17
Dates may be altered for suing to dispute, and for serving notice of, ejectment (Panjáb)	XXVIII	24
Death of person paying first instalment of certificate tax	XXVIII	26
whole amount of certificate tax	"	27
Declaration on making deposit of revenue or rent (Oudh)	XIX	15
form of, ...	"	sch. A
Decree cancelling lease (Oudh)	XIX	11
deposit by tenant holding under, ...	"	14
for balance due by depositor, ...	"	16
in respect of illegal enforcement of payment of rent	"	18
for ejectment of tenant with right of occupancy	"	41
for arrear of rent payable by tenant with right of occupancy	"	41
declaring tenant to be liable for excess of rent	"	48
in suits to contest distrainer's demand	"	72
execution not to issue after three years from date of,...	"	118
for money, immediate execution of, ...	"	119
in suit for enhancement	"	120
for delivery of papers or accounts, how enforced	"	121
lease or counterpart to specify particulars	"	122
under which tenant holds in (Panjáb) saved	XXVIII	2
Defendant, see *Parties, Payment, Summons.*		
Delivery of produce, lease to specify time, manner, and place of, (Oudh) ...	XIX	7
Demand of arrear before or at time of distraint (Oudh)	XIX	52
service of, ...	"	52
Deposit of revenue or rent in court without suit (Oudh)	XIX	14
to operate as payment to lumberdár or landlord	"	14
See *Payment.*		
Deputy, application of law to, ...	I	3, cl. 4
Deputy Collector, court of, (Oudh)	XIX	84

	Act.	Sec.
DEPUTY COLLECTOR, settlement officers may be invested with powers of, ...	XIX	87
jurisdiction of, ...	"	90
to be subject to control of deputy commissioner	"	99
may be appointed manager under section 243 of Code of Civil Procedure	"	125
DEPUTY COMMISSIONER, court of, (Oudh)	XIX	84
to have collectors' powers	"	86
may distribute business in subordinate courts	"	96
may transfer suits from subordinate courts	"	97
DILUVION, suits for abatement of rent on account of, (Oudh)	XIX	19
remission of rent in case of, ...	"	20
DIMINUTION, see *Land.*		
DISCHARGE of tenant from liability to pay rent (Panjáb)	XXVIII	30
See *Receipt.*		
DISCOUNT allowed on payment of whole amount of certificate tax	IX	25
DISMISSAL of suit for lease on counterpart by or against tenant without right of occupancy (Oudh)	XIX	116
DISPOSSESSION, see *Possession.*		
DISSOLUTION of meetings of N. W. P. municipal committees	VI	9
of firm paying first instalment of certificate tax	IX	26
whole amount of certificate tax	"	27
DISTRAINER, expenses of, (Oudh)	XIX	67
compensation for illegal act or neglect of, ...	"	97
DISTRESS of produce by landlord for rent (Oudh)	XIX	47
when not to be made	"	48
who may exercise power of, ...	"	49
by servants of persons empowered to distrain	"	50
not of grain stored	"	51
value of, ...	"	53
to be withdrawn on tender of arrear and expenses	"	56
release of property from, ...	"	62
compensation for vexatious or groundless, ...	"	73
compensation for illegal, ...	"	74, 78
procedure in case of resistance to, ...	"	81
suit for contesting exercise of power of, ...	"	83, par. 11
compensation for illegal, ...	"	83, par. 11
See *Arrest, Auction, Bond, Certificate, Costs, Fine.*		
DISTRIBUTION of business (Oudh).	XIX	96
'DISTRICT JUDGE' defined	I	2, cl. 12
DIVISION of produce taken for rent (Panjáb)	XXVIII	17
DRAINAGE, construction of works for, an 'improvement' (Oudh)	XIX	32, cl. 1
(Panjáb)	XXVIII	38
DROUGHT, remission of rent where produce diminished by, (Oudh)	XIX	20
DUES, see *Village-expenses.*		
DUTY, see *Refund, Timber.*		

	Act.	Sec.
EJECTMENT, postponement of, (Oudh)	XIX	11
of improving tenant	"	22
grounds on which tenant may contest liability to, ...	"	37
non-service of notice of, ...	"	37
of tenant, time of, ...	"	38
of sub-lessor	"	39
for arrears of rent	"	40
of tenant with right of occupancy	"	41
of tenant without right of occupancy	"	42
notice of, ...	"	42, 43
service of notice of, ...	"	43
compensation for illegal, ...	"	45
suit for, ...	"	83, par. 4
See *Crops, Right of Occupancy.*		
of tenant with right of occupancy (Panjáb)	XXVIII	19
of tenant without right of occupancy	"	20
time of, ...	"	21
notice of, ...	"	22
service of notice of, ...	"	23
cessation of tenancy on failure to contest, ...	"	25
when court may assist	"	26
with assistance of court not to bar right to contest	"	26
compensation for growing crops on land at time of, ...	"	27
ELECTION of municipal committees, (N. W. P.)...	VI	6
ENHANCEMENT of rent of improving tenant (Oudh)	XIX	22
of rent of tenant with right of occupancy	"	32
on re-assessment of revenue	"	34
of rent of tenant having right of occupancy, suit for, ...	"	83, par. 3
suits for illegal, ...	"	83, par. 9
court decreeing to declare date from which it shall take effect ...	"	120
of rents, decree for, (Panjáb)	XXVIII	10
grounds of, ...	"	11
when tenant pays revenue or cesses	"	12
See *Re-enhancement.*		
ENQUIRY, see *Local enquiry.*		
ENTRY, landlord's right of, (Oudh)	XIX	27
EVIDENCE, written, as to alteration of rent (Oudh)	XIX	36
of agreement to deliver lease or counterpart	"	116
of arrear in suits to contest distrainer's demand	"	72
observations of collector making local enquiry to be, ...	"	117
See *Burden of proof.*		
EXACTION in excess of revenue or rent, suit for, (Oudh)	XIX	83, par. 17
EXAMINATION of prostitutes	XIV	10, 11
EXCHANGE, right of occupancy land taken in, (Panjáb)	XXVIII	7
EXCLUSION of the first of a series of days	I	3, cl. 2

	Act.	Sec.
EXECUTION of decree in suit to contest distrainer's demand (Oudh)	XIX	27
for money	"	119
for money to be first made against moveable property ...	"	124
not to issue after three years from date of decree	"	118
EXEMPTION from octroi (N. W. P.)	VI	11
EXPENSES, see *Costs.*		
EXTENT of Rent Act (Oudh)	XIX	1
EXTRA ASSISTANT COMMISSIONER included in "Assistant Commissioner" (Oudh) ...	XIX	3
FAILURE to contest notice of ejectment (Panjáb) to constitute cessation of tenancy	XXVIII	25
FATHER includes an adoptive father	I	2, cl. 19
FEES in presidency High Courts to be collected by stamps	XV	3
FIELD, see *Number.*		
FINANCIAL COMMISSIONER, (Oudh) court of, ...	XIX	84
jurisdiction of, ...	"	93
time for appealing to, ...	"	94
may transfer suits and appeals from one subordinate court to another	"	98
(Panjáb) appeals to, ...	XXVIII	42
FINE on person resisting distress or removing distrained property (Oudh) ...	XIX	82
for infringing N. W. P. municipal bye-laws	VI	33
FINES how recoverable	I	
under Certificate Act how recovered	IX	19
FIRM, recovery of fines under Certificate Act from a, ...	IX	19
FIRST JUDGE of presidency small cause court to decide questions as to necessity of imposing stamps	XV	9
FIXTURES are immoveable property	I	2, cl. 5
FLOODS, construction of works for protection against, an 'improvement' (Oudh) ...	XIX	23, cl. 1
(Panjáb) ...	XXVIII	38
FORM, see *Declaration, Notice.*		
FORT ST. GEORGE, Governor in Council of, may determine duty on pepper exported from Cochin	II	1
FUNCTIONARIES, substitution of, ...	I	3, cl. 6
GARHWÁL, see *Inoculation.*		
GENERAL Clauses' Act	I	
'GOVERNMENT of India' defined	I	2, cl. 9
officials liable to certificate tax	IX	23
GOVERNOR of Fort St. George in Council may invest commissioner and assistant commissioner with small cause jurisdiction	XVIII	1
may appoint receiver of the Carnatic property	XXI	1
may fix his remuneration	"	2
may suspend or remove him	"	3
GOVERNOR GENERAL IN COUNCIL may sanction taxes imposed by N. W. P. municipal committees	VI	11
may exempt from Certificate Act	IX	4

	Act.	Sec.
GOVERNOR GENERAL IN COUNCIL may prescribe rules for re-payment of moiety of certificate tax paid by dissolved or insolvent firm	IX	27
may declare principal place of business ...	"	33
may sanction salaries of officers appointed under Certificate Act	"	34
may make rules for guidance of officers working under Certificate Act	"	35
may suspend in certain military cantonments operation of Act XI of 1841, section 17 ...	XII	
to consent to suits against king of Oudh ...	XIII	2
to sanction introduction of Contagious Diseases' Act	XIX	3
his sanction to rules (Oudh)	XIV	29
may make orders as to investing settlement officers with Collector's powers	"	87
his sanction to investing collector with commissioner's powers	XIV	91
may confer powers of superintendent or assistant superintendent (Coorg)	XXV	14
may appoint session judge of Coorg ...	"	22
GRADES OF COURTS of revenue (Oudh)	XIX	84
GRAINS stored not distrainable (Oudh)	XIX	51
'GRANDFATHER' defined (Panjáb)	XXVIII	3, 5
'GRANDUNCLE' defined (Panjáb)	XXVIII	3, 5
GROUNDS for enhancement of rent (Oudh)	XIX	32
(Panjáb)	XXVIII	11
of right to abatement (Panjáb)	"	14
for contesting liability to ejectment (Oudh)	XIX	37
GROWING CROPS, compensation to ejected tenants for, (Oudh)	XIX	46
See *Crops*.		
GUARDIAN of minor included in 'representative' (Oudh)	XIX	3
HAIL, remission of rent when produce diminished by, (Oudh)	XIX	20
'HER MAJESTY' defined	I	2, cl. 7
'HIGH COURT' defined	"	2, cl. 11
HIGH COURT at Fort William and in N. W. P. may nominate munsifs	XVI	5
vacancy in office of munsif to be reported to, ...	"	6
may suspend subordinate judges	"	10
to report to local government circumstances of suspension ...	"	10
district judge suspending munsif to report to, ...	"	10
may remove or suspend munsif	"	10
appeals from subordinate judges to, ...	"	18
may order district judge to transfer to subordinate judge or munsif ... certain proceedings	"	19
HIGH COURTS IN PRESIDENCY TOWNS, Act for collection of fees in, by stamps ...	XV	...
HIGHWAYS to vest in municipal committee (N. W. P.)	VI	28
HOSPITALS FOR PROSTITUTES, local government may provide and certify,... ...	XIV	12

	Act.	Sec.
Hospitals for Prostitutes, regulations for management of, ...	XIV	13
prostitutes on receiving notice to go to, ...	"	14
detention in, ...	"	15, 16
disobeying regulations of, ...	"	16
Idiot, see *Curator*.		
'Immoveable property' defined	I	2, cl. 5
'Imprisonment' defined...	I	2, cl. 18
of person resisting distress or removing distrained property (Oudh) ...	XIX	81, 82
of defendant decreed to deliver papers or accounts	"	121
Improvements, compensation for, (Oudh)	XIX	22
defined	"	23
suits for compensation for, ...	"	83, par. 13
tenant's right to compensation for, (Panjáb)...	XXVIII	37
defined	"	38
Inám title deeds exempt from registration	XXVII	1, & sch., par. 4
Inclusion of the last of a series of days	I	3, cl. 3
Incumbrances created by under-proprietor when valid in event of execution-sale (Oudh)	XIX	126
Index not to have force of law	XIX	4
Informer, reward to, ...	XXIV	3
Inoculation in Kumaon and Garhwál, prohibition of, ...	XXIV	...
Inquiry by court as to compensation for improvements (Oudh)	XIX	25
Insolvency of person or firm paying first instalment of certificate tax	IX	26
of person or firm paying whole amount of certificate tax	"	27
Instalments, payment of certificate tax by, ...	IX	25
of rent to be mentioned in lease (Oudh)	XIX	7
of rent payable to proprietor	"	12
Interest not on sums paid by defendant into Court under Oudh Rent Act ...	XIX	114
Interpretation-clause	XIX	3
Inventory of property distrained, see *List*.		
Irrigation, 'rent' includes money paid for use of water for, (Oudh)	XIX	3
works for, an 'improvement' (Oudh)	"	23, cl. 1
(Panjáb)	XXVIII	38
Jágírdár in occupation of land for twenty years to be deemed tenant having right of occupancy (Panjáb)	XXVIII	5, par. 4
Judicial Commissioner (Coorg), appellate jurisdiction of, ...	XXV	10, 11
extraordinary original jurisdiction of, ...	"	12
to superintend and frame rules of practice for subordinate courts	"	13
Judicial Notice to be taken of acts	I	7
'Judicial Proceeding' to include proceedings under Certificate Act	IX	21
Jungle, reclamation and clearing of, an 'improvement' (Oudh)	XIX	23
Khám estates, suits by or against managing agents or táhsíldars of, (Oudh) ...	XIX	100
Kind, rent payable in, (Oudh)	XIX	7
(Panjáb)	XXVIII	16
See *Commutation*.		

	Act.	Sec.
KING OF OUDH exempted from jurisdiction of civil courts	XIII	2
to be incapable of contracting	"	3
KUMAON, see *Inoculation.*		
LAND REQUIRED for municipal purposes (N. W. P.) may be taken up under Act for acquisition of land for public purposes	VI	29
'LAND' defined (Oudh)	XIX	3
diminution of area of, ...	"	19
relinquishment of, ...	"	21
recovery of, after illegal dispossession	"	102
defined (Panjáb)	XXVIII	3
taken in exchange to be subject to same right of occupancy as land exchanged	"	7
tenant may relinquish	"	28
'LANDLORD' defined (Oudh)	XIX	3
to grant leases	"	7, 8, 9
entitled to counterparts	"	10
infringing terms of lease	"	11
withholding receipt or acknowledgment	"	13
deposit of rent in court to operate as payment to, ...	"	14
payment to, by court, of amount deposited	"	17
notice to, of desire to relinquish land	"	21
serving notice of ejectment on, or suing improving tenant	"	22
option of, as to compensation for improvements	"	24
assistance given by, ...	"	25
tendering lease for not less than twenty years	"	26
may enter on, survey, and measure lands	"	27
may apply for commutation of rent in kind	"	28
attending at division and appraisement of produce	"	30
his prior claim to distrainable produce in possession of defaulting tenant	"	76
suits by, ...	"	83, par. 116
See *Accounts, Attachment, Representative.*		1-5
nothing in the Panjáb Tenancy Act to affect written or recorded agreements between tenant and, ...	XXVIII	2
defined	"	3
may rebut presumption arising from entry in settlement record ...	"	6
commutation of rent in kind not to be made without consent of, ...	"	16
tendering full compensation may obtain decree to eject certain occupancy tenants	"	19, cl. 2
his right to eject tenants without right of occupancy	"	20
may obtain assistance to eject	"	26
refusing to receive notice, procedure on, ...	"	31
his right of pre-emption if occupancy tenant desires to alienate ...	"	34
his consent necessary to alienation by tenant without right of occupancy	"	34
cannot enhance or eject without paying compensation for improvements	"	37
his option as to mode of compensation	"	39
acceptance of lease for twenty years bars claim to compensation from, ...	"	41

	Act.	Sec.
LANGUAGES of notice of ejectment (Oudh)	XIX	43
(Panjáb)	XXVIII	22
LAPSE OF TIME does not confer right of occupancy (Panjáb)	XXVIII	9
LAWS repealed	XXVIII	2
LEASE, tenant entitled to, (Oudh)	XIX	7
contents of, ...	"	7
to which tenant with occupancy is entitled	"	8
to which tenant not having right of occupancy is entitled	"	9
tenant to execute counterpart of, ...	"	10
cancelment of, ...	"	11
compensation for improvements, by grant of beneficial, ...	"	24
for twenty years, right to compensation for improvements barred by tender of, ...	"	26
cultivation not in accordance with terms of, ...	"	38
suit for delivery of, ...	"	83, par. 7
granted by court	"	123
granted by under-proprietor, when to be registered (Oudh)	"	126
for twenty years, right to compensation for improvements barred by tender of, (Panjáb)	XXVIII	41
See Amount, Conditions, Delivery, Instalments, Lessee, Limitation, Number, Produce, Quantity, Tenant, Term.		
LESSEE, liability of, (Panjáb)	XXVIII	33
LIABILITY of incumbrancer to proprietor (Oudh)...	XIX	127
of lessee and underlessee (Panjáb)	XXVIII	33
of tenant's alienee	"	35
LIEN of proprietor for rent payable by under-proprietor (Oudh)	XIX	127
LIEUTENANT GOVERNOR, NORTH-WESTERN PROVINCES,		
may extend Municipal Improvements' Act	VI	3
may define limits of places to which Act extends	"	4
may appoint committees, or direct them to be elected	"	6
may remove members, add to number and fill up vacancies... ...	"	6
may appoint ex-officio members	"	6
may appoint president and vice-president	"	7
to sanction municipal taxes	"	11
may exempt from octroi	"	11
to appoint persons to confirm tax	"	12
may make rules for confirmation and collection of taxes	"	12
to confirm bye-laws	"	17
to fix time and manner of publication of bye-laws	"	17
may authorize committees to exercise certain powers for removal of nuisances	"	19
may sanction purchase of land by committee	"	20
may cancel, suspend, or limit proceedings of committee	"	21
may abolish taxes	"	21
committees to submit reports, statements, and estimates to, ...	"	27
may make rules as to cost and class of municipal works	"	27

	Act.	Sec.
LIEUTENANT GOVERNOR, NORTH-WESTERN PROVINCES,		
may notify that land required for municipal purposes is required for public purposes	VI	29
may direct court in which members of municipal committees are to be sued for breach of trust	"	30
LIMITATION of suits under Contagious Diseases' Act	XIV	25
of suits against depositor for revenue or rent accruing due prior to deposit (Oudh)	XIX	16
of suits to set aside award of officer deputed to make appraisement ...	"	31
of suits to dispute ejectment	"	43
of suits to contest distrainer's demand	"	61
of suits to establish title to rent	"	77
of suits generally under Oudh Rent Act	"	104
of suits for delivery of leases or counterparts	"	105
of suits for arrears of rent or revenue, or share of profits	"	106
of suits against agents for money or delivery of accounts or papers ...	"	107
of suits regarding distress and division of produce (Oudh)	"	108
of time for selling distrained property	"	59, 71
of time for complaining of resistance to distress or removal of distrained property	"	81
of time for presenting appeals	"	94
of time for issuing execution	"	118
of time for registering incumbrances created by under-proprietor ...	"	126
of amount recoverable for expenses of sale of distress	"	70
of amount of compensation for vexatious distress	"	73
of application for recovery of possession of land	"	102
LIST of property distrained (Oudh)	XIX	53, 58
LOCAL enquiry may be made by the collector (Oudh)	XIX	117
LOCAL GOVERNMENT, see *Chief Commissioner.*		
'LOCAL GOVERNMENT' defined	I	2, cl. 10
may specify place to which Contagious Diseases' Act shall apply	XIV	3
may make rules for registration of prostitutes and brothel-keepers	"	5
may appoint officer to require evidence of registration of prostitutes	"	7
to prescribe rules as to furnishing information to prostitutes ...	"	7
may appoint persons to examine prostitutes periodically ...	"	10
may make rules as to such examinations	"	11
may require examiners to send in reports	"	11
may provide and certify hospitals	"	12
to appoint persons to manage such hospitals	"	12
may make regulations for management of hospitals ...	"	13
to appoint officers to give notice to prostitutes to go to hospital ...	"	14
may provide for out-door treatment of prostitutes... ...	"	17
to prescribe subsistence allowance for prostitutes treated out-door	"	19
may especially extend provision as to segregation of prostitutes...	"	20
may prescribe rules for the removal of prostitutes named in the register	"	21

	Act.	Sec.
LOCAL GOVERNMENT may appoint officer to institute prosecutions under Contagious Diseases' Act	XIV	22
may declare officers to act under Contagious Diseases' Act ...	"	26
may make rules for the guidance of officers	"	26
may direct whether stamps used for payment of fees in presidency High Courts shall be impressed or adhesive	XV	4
to make general rules as to use of such stamps	"	5
Lower Provinces and N. W. Provinces may appoint subordinate judges	XVI	5
may make rules as to qualifications of munsifs	"	5
may remove subordinate judges	"	10
may define local limits of jurisdiction of subordinate judges and munsifs	"	11
may invest subordinate judges and munsifs with small cause powers	"	20
may invest small cause court judge with powers of subordinate judge	"	21
LOCK-HOSPITALS, Act to enable municipalities to provide for, ...	XXVI	
LOSS of right of occupancy (Oudh)	XIX	6
LUCKNOW, Act to give validity for levy of certain duties in, ...	XX	
'LUMBERDÁR' defined (Oudh)	XIX	3
deposit of revenue in court to operate as payment to, ...	"	14
payment to, by court	"	17
suits against, for share of profits	"	83, par. 15
suits against, for accounts of profits	"	83, par. 15
suits by, for arrear of revenue or rent, or for village expenses ..	"	83, par. 16
suits against, by joint lumberdárs for compensation for revenue or rent	"	83, par. 16
suits by co-sharer against, ...	"	83, par. 17
powers exercisable only by, ...	"	101
LUNATIC, see *Curator*.		
'MAGISTRATE' defined	I	2, cl. 13
prosecutions under North-Western Provinces' Municipal Act may be instituted before any, ...	VI	34
MANAGERS under court of wards may distrain (Oudh)	XIX	49
authorised to collect rent for sharers	"	101
powers exercisable by, ...	"	101
under section 243 of the Code of Civil Procedure, deputy collectors may be,	"	125
MANAGING AGENT, distraint by, (Oudh)	XIX	49
MAPS when exempt from registration	XXVII	1
MASCULINE GENDER, females included in words importing, ...	I	2, cl. 1
MAUZA KHERIA annexed to district of Agra	XXII	1
Acts and Regulations extended to, ...	"	1
MEASUREMENT, entry for, (Oudh)	XIX	27
MEETINGS of North-Western Provinces municipal committees	VI	9
MILITARY CANTONMENTS beyond British India, Governor General in Council may suspend operation of Act XI of 1841, section 17 in, ...	XII	

	Act.	Sec.
MINOR, see *Guardian*.		
'MOVEABLE PROPERTY' defined	I	2, cl. 6
See *Execution*.		
MUÁFÍDÁRS, suits against, for exaction in excess of rent or refusal of receipts or acknowledgments (Oudh)	XIX	83, par. 17
suits by, for arrears of revenue	"	83, par. 18
MUNICIPAL COMMITTEE (North-Western Provinces), appointment of, ...	VI	6
removal of members of, ...	"	6
ex-officio members of, ...	"	6
president, vice-president and secretary of, ...	"	7
to have an office	"	8
meetings of, ...	"	8
correspondence of, ...	"	9
may make assessments and levy taxes	"	11
may make rules as to meetings, conduct of business, &c. ...	"	14
may appoint members to enforce sanitary rules and bye-laws	"	15
may make bye-laws as to nuisances and registration of births, marriages and deaths	"	16
may prohibit repetition or continuance of nuisances ...	"	18
may remove nuisances	"	19
may buy and sell land for municipal purposes	"	20
cancellation of proceedings of, ...	"	21
to be trustees of municipal fund	"	22
duties of, ...	"	24
contracts of, ...	"	24
to provide for municipal police	"	25
to submit annual statements and reports	"	27
public highways to be vested in, ...	"	28
suits by and against, ...	"	30, 31
penalty on interested members and servants of, ...	"	32
prosecutions by, ...	"	34
MUNICIPAL FUND (North-Western Provinces), how constituted	VI	22
custody and disbursement of, ...	"	23
MUNICIPALITIES may provide for lock-hospitals	XXVI	...
'MUNICIPALITY' defined	VI	2
MUNSIFS, Lower Provinces and North-Western Provinces, appointment of, ...	XVI	5
qualifications of, ...	"	5
acting appointment to office of, ...	"	6
declaration to be made by, ...	"	7
to be a civil court, ...	"	8
may appoint ministerial officers	"	9
suspension of, ...	"	10
removal of, ...	"	10
local limits of jurisdiction of, ...	"	11
extent of jurisdiction of, ...	"	13

	Act.	Sec.
MUNSIFS, appeals to district judge from, ...	XVI	14
subordinate judges may be invested with powers of, ...	"	16
reference to subordinate judge of appeals from, ...	"	17
district judge may be ordered to transfer certain civil proceedings to, ...	"	19
may be invested with small cause power up to fifty rupees	"	20
NÁIB SÚBAHDÁRS may be invested with jurisdiction up to fifty rupees	XXV	4
NAWÁB OF THE CARNATIC, Act to appoint a receiver of the property of, ...	XXI	...
NEILGHERRY HILLS, commissioner and assistant commissioner of, invested with small cause powers	XVIII	1
NON-COMMISSIONED OFFICER exempt from taking out certificate	IX	3, cl. 2
NORTH-WEST PROVINCES' Municipal Improvements' Act	VI	...
NOTICE previous to suing committee (N. W. P.)	VI	31
to person to whose credit revenue or rent is deposited (Oudh)	XIX	15
how served, ...	"	15
form of, ...	"	sch. B
of desire to relinquish land	"	21
how served	"	21
of application in case of difference as to compensation for improvements ...	"	25
to attend at division, &c., of produce taken for rent	"	31
of ejectment of tenant not having right of occupancy	"	42, 43
contents of, ...	"	43
how served	"	43
costs of service of, ...	"	43
to person whose property has been distrained	"	58, 59
form of, ...	"	sch. C
of execution of bond by person whose property is distrained	"	62
of satisfaction of distrainer's demand	"	70
of ejectment, suits for contesting	"	83, par. 8
to parties to suit to attend at place where court sits	"	103
of payment into court in suits	"	114
to attend during division, &c., by officer of produce taken for rent (Panjáb)...	XXVIII	17
of ejectment in what language to be written and what to contain ...	"	22
when and how to be served	"	23
Lieutenant Governor may alter dates for serving, ...	"	24
cessation of tenancy if tenant fail to contest, ...	"	25
Court may assist in ejecting if satisfied of service of, ...	"	26
of desire to relinquish land	"	28
procedure on landlord's refusal to receive	"	31
mode of service of	"	31
of application in case of difference as to compensation for improvements ..	"	40
See *Languages*.		
NOTIFICATION extending Act VIII of 1859 to Oudh	VI	109, sch. D
NUMBER of field to be mentioned in lease	VI	7
NUISANCES, power to make bye-laws as to, ...	VI	16

	Act.	Sec.
Nuisances, power to prohibit continuance or repetition of, ...	VI	18
power to remove, ...	"	19
police to aid in carrying out municipal orders regarding, ...	"	26
'Oath' defined	I	2, cl. 17
Occupancy, see *Right of Occupancy.*		
Occupation of tenant after notice of ejectment (Oudh)	XIX	44
recovery of, ...	"	83, par. 10
Octroi may be imposed by N. W. P. municipal committees	VI	11
Office of N. W. P. municipal committees	VI	8
Officers exempt from Certificate Act	IX	3
Officer deputed by court to make division, &c. (Oudh)	XIX	31
to assist distrainer	"	55
authorised to sell property	"	57
his duty on receiving application from distrainer	"	59
when to suspend sale	"	60
when to proceed with sale	"	63
where and how he is to sell	"	64
may postpone sale where fair price not offered	"	65
to give certificate to purchaser	"	66
how to deal with proceeds	"	67
not to purchase	"	68
to report irregularities	"	69
to postpone sale in absence of notice to owner	"	69
to levy expenses	"	70
notice of satisfaction to, ...	"	70
proclamation of sale by, when arrears are adjudged due	"	71
sale by, ...	"	71
See *Settlement Officers.*		
Option of landlord as to compensation (Oudh)	XIX	24
Orders repealed (Oudh)	XIX	2
as to investment of settlement officers with collector's powers	"	87
'Oudh' defined	XIX	3
See *Chief Commissioner.*		
Oudh, see *King of Oudh.*		
Panjáb, local government may invest person with powers of assistant commissioner or tahsíldár	III	1
amendment of law relating to appeals and reviews of judgment in, ..	VII	...
tenancy of land in the, ...	XXVIII	...
See *Procedure Proceedings.*		
Papers in possession of patwáris or agents, suits for, (Oudh)	XIX	83, cl. 5
limitation of suits for, ...	"	107
Párbatiyagárs may be invested with jurisdiction up to fifty rupees (Coorg) ...	XXV	4
Particulars of lease (Oudh)	XIX	7
Parties to suits to contest demand of arrears (Oudh)	XIX	77

	Act.	Sec.
PARTIES to suits between landlord and under-proprietor or tenant	XIX	111
PATTÍDÁR, suits by, for arrears of revenue or rent	XIX	83, par. 16
powers exerciseable only by, ...	„	101
pattídárí estates, sharer in, to exercise powers only through lumberdár or pattídár	„	101
PATWÁRÍS, suits by landlord against,...	XIX	83, par. 5
See *Surety*.		
documents filed annually by, exempt from registration	XXVII	1 & sch., par. 3
PAYMENT of money deposited in court without suit (Oudh)	XIX	15
of rent in kind	„	7, 28
of purchase-money of property distrained	„	67
into court in suits	„	114
PEPPER exported from Cochin, alteration of duty on, ...	II	1
PERISHABLE PROPERTY, application for sale of, (Oudh)	XIX	57
immediate sale of distrained, ...	„	60
PERSON includes company	I	2, cl. 3
PETITION to alter list of certificate holders	IX	14
collector to hear, ...	„	15
appeal from order on, ...	„	15
PLAINT, additional particulars to be specified in, (Oudh)	XIX	110
PLAINTS, stamp under Panjáb Tenancy Act on certain, ...	XXVIII	43
PLURAL included in words in singular	I	1, cl. 2
POLICE, municipal committee to provide for, (N. W. P.)	VI	25
to aid in carrying out municipal committee's orders regarding nuisances (N.W.P.)	„	26
officers when exempt from taking out certificate	IX	3, cl. 3
POSSESSION, recovery of, after illegal dispossession	XIX	102
POSTPONEMENT of ejectment of tenant	XIX	11, 38
of sale of distrained property	„	65
POWER-OF-ATTORNEY to distrain	XIX	49, 50
POWERS exerciseable only by manager, lumberdár or pattídár	XIX	101
PRE-EMPTION, sharer in under-proprietary tenure and proprietor may claim right of,...	XIX	128
landlord's right of, (Panjáb)	XXVIII	34
PRESUMPTION as to signatures in proceedings under Contagious Diseases' Act ...	XIV	23
arising from entry in settlement record (Panjáb)	XXVIII	6
rebuttal of such, ...	„	6
PRICE, postponement of sale in absence of offer of fair, (Oudh)	XIX	65
PRINCIPAL employing agent to distrain, liability of, (Oudh)	XIX	49, 50
place of business, power to declare, ...	IX	33
Sadr Amíns to be the first subordinate judges, L. P. and N. W. P. ...	XVI	4
PRIVATES exempt from taking out certificate	IX	3, cl. 2
PROCEDURE for recovery of rent in Panjáb saved	XXVIII	44
PROCEEDINGS of settlement officers in Panjáb, confirmation of, ...	XXVIII	45
PROCLAMATION fixing day for sale of distrained property (Oudh)	XIX	59
contents of, ...	„	59
second, ...	„	71

	Act.	Sec.
'Produce,' ungathered, included in 'land' (Oudh)	XIX	3
proportion of, and time, manner and place of delivering, ...	"	7
remission of rent in case of diminished, ...	"	20
suits regarding division, estimate, or appraisement of, ...	"	83, par. 14
See *Award.*		
Profits, see *Sharer.*		
Proof of arrear in suits to contest distrainer's demand (Oudh)	XIX	72
Proportion, see *Produce.*		
'Proprietary right' defined (Oudh)	XIX	3
tenants who have lost, when to have right of occupancy ..	"	5
'Proprietor' defined (Oudh)	XIX	3
right of tenant who has been in possession as, ...	"	5
rent payable to, when due	"	12
may claim right of pre-emption	"	128
Prosecution under Municipal Act (N. W. P.)	VI	34
under Certificate Act...	IX	17, 20 18,
for illegally enforcing payment of rent (Oudh)	XIX	18
Prosecutions under Contagious Diseases' Act	XIV	22
N. W. P. municipal Act	VI	34
Prostitutes, punishment of unregistered, ...	XIV	4
local government may make use for registration of, ...	"	5
entry of certain particulars respecting, ...	"	5
change of residence of, ...	"	6
refusing to show evidence of registration	"	7
resorting when unregistered to brothels	"	8
periodical examination of, ...	"	10
rules as to examinations of, ...	"	11
certified hospitals for, ...	"	12, 13
on receiving notice to go to hospital	"	14
to be detained under medical treatment till cured	"	15
leaving hospital before discharged	"	16
disobeying regulations of hospital	"	16
out-door treatment of, ...	"	17
acting as such while under medical treatment	"	18
subsistence allowance to, ...	"	19
segregation of, ...	"	20
removal from registry of names of, ...	"	21
Publication of proceedings of N. W. P. municipal committees	VI	9
of proclamations of sale (Oudh)	XIX	59, 71
Purchase not by officer selling distrained property (Oudh)	XIX	68
See *Pre-emption, Sale.*		
Quantity of land, lease to specify, (Oudh)	XIX	7
Quorum at meetings of N. W. P. municipal committee	VI	9
Rate of rent of tenant with right of occupancy (Oudh)	XIX	8

	Act.	Sec.
RATE of rent payable by tenant without right of occupancy	XIX	35
See *Enhancement.*		
RE-ASSESSMENT of revenue, enhancement on, (Oudh)	"	34
RECEIPTS for rent, contents of (Oudh)	XIX	13
compensation for withholding, ...	"	13
for deposit, in court, of revenue or rent	"	15
for arrear and expenses of distress	"	56
suits for refusal of, ...	"	83, par. 9
by municipal committee (N. W. P.)	VI	20
RECEIVER of the property of the late Nawáb of the Carnatic	XXI	...
RECITAL in Acts of Governor General in Council to be deemed a *primâ facie* evidence	I	8
RECLAMATION of waste lands an 'improvement' (Oudh)	XIX	23, cl. 1
RECOGNISED agent of landlord (Oudh)	XIX	21
RE-ENHANCEMENT, suits for, (Oudh)...	XIX	33, 34
(Panjáb)	XXVIII	13
REFUND of money paid under Certificate Act	IX	15
of duty levied on goods not shipped or upon goods shipped and afterwards re-landed	X	...
REFUSAL to show evidence of registration of prostitutes and brothel-keepers ...	XIV	7
to specify year for which rent has been paid or tendered (Oudh) ...	XIX	13
to receive notice of desire to relinquish land	"	21
of receipts	"	83, par. 9
by defendant to grant lease or counterpart	"	123
to receive notice of relinquishment (Panjáb)	XXVIII	31
REGISTRATION of incumbrances created by under-proprietors (Oudh)	XIX	123
of prostitutes and brothel-keepers	XIV	5, 6
REGISTRATION ACT, exemption of certain instruments from, ...	XXVII	1
RELEASE of property from distress (Oudh)	XIX	62
distrained on security being given for its value	"	75
RELINQUISHMENT of land by tenant	XIX	21
of land by tenant (Panjáb)	XXVIII	28
refusal to receive notice of, ...	"	31
REMISSION of revenue (Oudh)	XIX	19, 20
of rent, when court may allow (Oudh)	"	20
when court may allow, (Panjáb)	XXVIII	15
REMOVAL of distrained property, procedure in case of forcible or clandestine, (Oudh)	XIX	81
of prostitute's name from registry	XIV	21
RENT, saving of procedure for recovery of, (Oudh)	XIX	44
defined	"	3
defined (Panjáb)	XXVIII	3
arrears of, defined	"	3
effect of payment of, by tenants who have lost proprietary right (Oudh) ...	XIX	5
amount of, to be mentioned in leases	"	7
rate of, in case of tenant with right of occupancy	"	8
payable by tenant whose ejectment is postponed	"	10

	Act.	Sec.
RENT, payable to proprietor when it falls due	XIX	12
receipts for, ...	"	13
acknowledgments of tender	"	13
deposit in court, without suit of, ...	"	14
limitation of suits for balance of, ...	"	16
compensation for non-acceptance of, ...	"	17
illegal enforcement of payment of, ...	"	18
suit for abatement of, ...	"	19, 83, par. 1
remission of, ...	"	20
in kind, commutation of, ...	"	28
enhancement of, ...	"	32
suit for re-enhancement of, ...	"	33
enhancement of, on re-assessment of revenue	"	34
of tenant not having a right of occupancy	"	35
agreement to alter, ...	"	36
ejectment for arrears of, ...	"	40
distress for arrears of, ...	"	47
security for payment of, ...	"	47
suit for illegal enforcement of payment of, or of sum in excess of,... ...	"	83, par. 9
suit for refusing receipt or acknowledgment for, ...	"	83, par. 10
suit by lumberdár or pattídár for arrears of, ...	"	83, par. 16
third person claiming, to be made party to suit between landlord and under-proprietor or tenant	"	111
set-off in suit for arrear of	"	113
proprietor's lien for, (Oudh)	"	127
agreement to waive claim for, ...	"	127
decree for enhancement of, (Panjáb)	XXVIII	10
grounds of enhancement of, ...	"	11
remission from, when court may allow	"	15
in kind, commutation of, ...	"	16
division and appraisement of produce taken for, ...	"	17
saving of procedure for recovery of, ...	"	44
See *Arrear, Decree, Irrigation, Lumberdár, Muáfidár, Rate of Rent, Refusal, Year.*		
REPEAL of inconsistent laws, rules, and orders (Oudh)	XIX	2
of enactment not to affect certain matters done before the repealing Act comes into operation	I	6
of book circular No. 33 of 1860 of Financial Commissioner (Panjáb) ...	XXVIII	4
REPEALED ENACTMENTS, revival of, ...	I	3, cl. 1
REPEALING ACT, the, ...	VIII	...
REPORTS to be furnished by N. W. P. municipal committee	VI	27
'REPRESENTATIVE' defined (Oudh)	XIX	3
defined (Panjáb)	XXVIII	3
of tenant, service of notice of ejectment on, (Oudh)	XIX	22
suit against, to eject or enhance rent	"	22

	Act.	Sec.
Representative entitled to compensation for improvements	XIX	22
of landlord, his option as to compensation	"	24
Resistance to distress, procedure in case of, (Oudh)	XIX	81
'Revenue' defined (Oudh)	XIX	3
deposited in court without suit	"	14
enhancement on re-assessment of, ...	"	34
See *Arrear*.		
Review, not of order as to recovery of possession of land (Oudh)	XIX	102
Reviews of judgment, amendment of law relating to, (Panjáb)	VII	...
Revival of repealed enactments	I	3, cl. 1
Right of occupancy, tenants having, (Oudh)	XIX	5
heritable, but not transferable, ...	"	5
not where tenant or co-sharer possesses any under-proprietary right, ...	"	5
loss by ejectment	"	6
a defence to suit for ejectment	"	37
suit for establishing	"	83, par. 6
tenant having, (Panjáb)	XXVIII	5
presumption as to, ...	"	6
rebuttal of such presumption	"	6
in land taken in exchange	"	7
suit to establish, ...	"	8
not acquired by lapse of time	"	9
in common lands belonging to pattídárí village community ...	"	9
enhancement of rent, decree for, (Panjáb)	"	10
grounds of, ...	"	11
when tenant pays revenue or cesses	"	12
ejectment of tenant with, ...	"	19
leases and under-leases by tenant with, ...	"	32
succession to, ...	"	36
See *Re-enhancement*.		
Right of pre-emption of landlord (Panjáb)	XXVIII	34
Right to alienate of tenant with right of occupancy (Panjáb)	XXVIII	34
Right to compensation for improvements (Panjáb)	XXVIII	37
tender of lease for twenty years to bar	"	41
Right to let of tenant with right of occupancy (Panjáb)	XXVIII	32
Rights of tenant's alienee (Panjáb)	XXVIII	35
Rules for confirmation and collection of taxes by N. W. P. municipal committee ...	VI	12
Rules repealed (Oudh)	XIX	2
as to right of occupancy	"	5
as to commutation of rents	"	20
Salaries and establishments under Certificate Act	IX	34
Sale of distrained property suspended on institution of suit (Oudh)	XIX	60
of perishable property	"	60
of property distrained	"	61

	Act.	Sec.
SALE of property, time of, ...	XIX	63
place and manner of, ...	"	64
postponement of, ...	"	65
payment of purchase-money on, ...	"	66
disposal of proceeds of, ...	"	67
expenses of, ...	"	67
officer holding, not to purchase	"	68
where, on suit, arrears are adjudged to be due	"	71
falsely purporting to be under Act	"	80
by receiver of Carnatic property	XXI	6
See *Officer, Proclamation, Purchase, Surplus, Suspension, Under-proprietary right.*		
SANADS, copies of, to be sent to and filed by registrar	XXVII	3
SANCTION, see *Governor General in Council.*		
SECTION' defined	I	2, cl. 15
SECURITY for payment of rent, non-distress of produce in case of, (Oudh) ...	XIX	47
for costs of suit to contest distrainer's demand	"	62
for value of property released from distress	"	75
for person of party resisting distress, or removing distrained property ...	"	81
SEGREGATION of prostitutes	XIV	20
SERVANTS exempt from Certificate Act	IX	3
of companies liable to certificate tax	"	24
SERVICE of notices under Certificate Act	IX	32
of notices under Contagious Diseases' Act	XIV	24
SERVICE OF NOTICE of deposit of rent or revenue in court (Oudh)	XIX	15
desire to relinquish land	"	21
ejectment (Oudh)	"	22, 43
demand of arrear and of account	"	52
list of property to be distrained	"	53
of notice on person whose property has been distrained	"	58, 59
under Panjáb Tenancy Act	XXVIII	23
SET-OFF in suit for arrear of rent (Oudh)	XIX	113
SETTLEMENT OFFICERS may commute rents in kind (Oudh)	XIX	28
may be invested with powers of collector, &c. ...	"	87
See *Appeal.*		
confirmation of proceedings of, (Panjáb)	XXVIII	45
SHARER, suits for profits of estate by, (Oudh)	XIX	83, par. 15
to exercise powers under Act, only through manager or lumberdár ...	"	101
may claim right of pre-emption	"	128
See Co-sharer.		
SHERIFF, saving of fees allowed to, ...	XV	
SINGULAR included in words in plural	I	1, cl.
SMALL CAUSE COURTS barred from hearing cases under Panjáb Tenancy Act ...	XXVIII	42
SMALL-POX, see *Inoculation.*		
SON includes an adopted son	I	2, cl. 19

	Act.	Sec.
STAMP on appeal against order of collector under Certificate Act	IX	15
on application for deputation of person to divide and appraise produce (Panjáb)	XXVIII	17
on application for adjudication in case of difference as to amount or value of compensation	"	40
on certain plaints under Panjáb Tenancy Act	"	43
on application on making deposit of rent or revenue (Oudh)	XIX	15
in case of difference as to compensation for improvements ...	"	25
for officer to make division, estimate, or appraisement of produce taken for rent	"	30
STAMPS in Presidency High Courts and Small Cause Courts	XV	3
to be impressed or adhesive, ...	"	4
STANDING CROPS, see *Crops*.		
STORAGE OF WATER, see *Water*.		
STRAITS SETTLEMENT excluded from "British India"	I	2, cl. 8
SÚBAHDÁR, jurisdiction of, ...	XXV	5,6
SUB-LESSOR, time of ejectment of, (Oudh)	XIX	39
ejectment of, ...	"	40
SUBORDINATE, application of law to, ...	I	3, cl. 4
SUBORDINATE judges, Lower Provinces and N. W. Provinces	XVI	4
appointment of, ...	"	5
declaration to be made by, ...	"	7
to be a civil court, ...	"	8
to appoint ministerial officers, ...	"	9
suspension of, ...	"	10
local limits of jurisdiction of, ...	"	11
original jurisdiction of, ...	"	15
may be invested with munsif's powers	"	16
appellate jurisdiction of, ...	"	17
appeals to district judge from, ...	"	18
appeals to High Court from, ...	"	18
district judges may be ordered to transfer certain civil proceedings to, ...	"	19
may be invested with powers of small cause court judge ...	"	20
small cause court judges may be invested with powers of, ...	"	21
SUB-SETTLEMENT, abatement to under-proprietor holding, (Oudh)	XIX	19
remission to under-proprietor holding, ...	"	20
SUCCESSOR to a functionary or corporation, relation of law to, ...	I	3, cl. 5
SUCCESSION to right of occupancy (Panjáb)	XXVIII	36
SUIT by or against N. W. P. municipal committee	VI	30
SUIT defined (Oudh)	XIX	3
to eject or enhance rent of improving tenant	"	22
to set aside award of officer deputed to make appraisement	"	31
by tenant without right of occupancy, to contest liability to be ejected ...	"	43, 44
for illegal ejectment	"	45
for lease	"	116

	Act.	Sec.
SUIT to contest distrainer's demand	XIX	63
by third party claiming property distrained	"	74
to contest demand for rent, party to, ...	"	77
cognizable in courts of revenue	"	83
by or against managing agents or tahsíldárs of kháin estates	"	100
by sharer, ...	"	83,par. 15,101
for possession of land	"	102
summons to defendant in, ...	"	112
payment into court in, ...	"	114
for counterpart against tenant without right of occupancy	"	116
to establish right of occupancy (Panjáb) on other grounds than those specified	XXVIII	8
for re-enhancement of rent	"	13
See *Accounts, Agents, Arrear, Certificate, Compensation, Decree, Limitation, Parties, Payment, Plaint, Receipts, Set-off, Summons, Surety, Transfer, Under-proprietor, Village-expenses.*		
SUMMARY settlement of 1858-59 (Oudh)	XIX	109
SUMMONS to defendant to be for final disposal (Oudh)	XIX	112
SUPERINTENDENT OF COORG, jurisdiction of, ...	XXV	9
any person may be invested with powers of, ...	"	14
may distribute business amongst subordinate courts ...	"	17
to prescribe local limits of jurisdiction of appellate courts	"	18
transfer of suits from subordinate court to court of, ...	"	19
criminal jurisdiction of, ...	"	21
confirmation of sentences passed by, ...	"	24
of Ashtagram, see *Superintendent.*		
SURETY, execution of decree in suit to contest distrainer's demand against person and property of, (Oudh)	XIX	72
of patwárí or agent, suit by landlord against, (Oudh)	"	83,par. 5
SURPLUS of proceeds of sale of distrained property (Oudh)	XIX	67
SURVEY and measurement of lands (Oudh)	XIX	27
SUSPENSION of sale of distrained property (Oudh)	XIX	60
'SWEAR' defined	I	2, cl. 17
TAHSÍLDÁRS, application to, (Oudh)	XIX	21
of kháin estates, distresses by, ...	"	49
suits by or against, ...	"	100
may be invested with powers of assistant commissioner	"	85
TAXES leviable by N. W. P. municipal committees	VI	11
TAXING OFFICER when to decide questions as to necessity of imposing stamps ...	XV	9
TENANCY of land in the Panjáb	XXVIII	
of tenant without right of occupancy, cessation of, (Oudh)	XIX	44
'TENANT' defined (Oudh)	"	3
when he has a right of occupancy	"	5
loses right of occupancy by ejectment	"	6
entitled to a lease executed by his landlord	"	7
his rent, when he has a right of occupancy	"	8

		Act.	Sec.
Tenant,	terms of his lease, when he has not a right of occupancy	XIX	9
	to execute counterpart	"	10
	when liable to pay rent, though lease cancelled	"	11
	without right of occupancy infringing the terms of his lease	"	11
	may recover compensation for withholding receipt or acknowledgment ...	"	13
	having right of occupancy, or holding under an unexpired lease, or holding under an agreement, or holding under decree, may deposit revenue or rent in court without suit	"	14
	when he may sue for abatement of rent	"	19
	remission from rent payable by, ...	"	20
	relinquishment of land by, ...	"	21
	his right to compensation for improvements	"	22
	with right of occupancy, enhancement of rent of, ...	"	32
	time of ejectment of, ...	"	40
	with right of occupancy, ejectment of, ...	"	41
	without right of occupancy, ejectment of, ...	"	42, 43
	suit by, to contest his liability to ejectment	"	44
	may sue for illegal ejectment	"	45
	to be compensated for growing crops	"	46
	suits by, ...	"	83, pars. 6-13
	See *Compensation, Distraint, Ejectment, Landlord, Lease, Rent, Representative, Security, Suit.*		
	defined (Panjáb)	XXVIII	3
	having a right of occupancy	"	5—9
	when he has a right of occupancy	"	5
	has right of occupancy in land taken in exchange...	"	7
	may sue to establish right of occupancy	"	8
	does not acquire right of occupancy by lapse of time (Panjáb)	"	9
	cannot acquire right of occupancy in pattídárí lands	"	9
	enhancement of rent of, ...	"	10—13
	not liable to enhancement of rent without decree of court	"	10
	paying revenue or village cess entitled to proportionate reduction of rent ...	"	12
	not liable to suit for re-enhancement without general revision of settlement	"	13
	abatement of rent of, ...	"	14
	remission from rent of, ...	"	15
	commutation of rent of, ...	"	16—18
	ejectment of, ...	"	19—27
	having right of occupancy not to be ejected without decree	"	19
	without right of occupancy, grounds of ejectment of, ...	"	20
	time of ejectment of, ...	"	21
	notice of ejectment to be served personally on, ...	"	23
	failing to contest notice loses tenancy	"	25
	assistance to eject, ...	"	26
	ejected, entitled to compensation for growing crops	"	27
	relinquishment of land by, ...	"	28—31

	Act.	Sec.
TENANT, may relinquish land	XXVIII	28
relinquishing land discharged from liability to pay rent	"	30
may apply to tahsíldár if landlord refuse notice	"	31
his right to let and sublet	"	32
his right to alienate	"	34
succession to right to occupancy of, ...	"	36
his right to compensation for improvements	"	37—41
TENDER OF RENT, acknowledgment of, (Oudh)	XIX	13
of lease for twenty years to bar right to compensation for improvements	"	26
of arrear and expenses of distress	"	56
TERM to be mentioned in lease (Oudh)	XIX	7
TIMBER AND WOODS, no import duty on seaborne, ...	XI	...
TIME OF EJECTMENT of tenant not a sub-lessor (Oudh)	XIX	38
sub-lessor	"	39
TIME OF SALE of distrained property (Oudh)	XIX	59
See *Limitation*.		
TRANSFER of suits and appeals (Oudh)	XIX	97,98
'UNCLE' defined (Panjáb)	XXVIII	3, 5
UNDERLEASES, occupancy tenant may grant, (Panjáb)	XXVIII	32
'UNDER-PROPRIETARY RIGHT,' defined (Oudh)	XIX	3
tenant not to have right of occupancy, where he or co-sharer possesses an, ...	"	5
saleable in execution of decree for arrears of rent ...	"	125
'UNDER-PROPRIETOR' defined (Oudh)	XIX	3
rent payable by, when due	"	12
may recover compensation from landlord, withholding receipt or acknowledgment (Oudh)	"	13
may pay into court, without suit brought, amount of rent due, ...	"	14
entitled to compensation for illegal enforcement of payment ...	"	18
when he may sue for abatement of rent	"	19
remission from rent payable by, ...	"	20
suits by, ...	"	83, pars. 6-13
incumbrance created by, ...	"	126,127
UNSATISFIED DECREE for arrears of rent (Oudh)	XIX	41
VALUE of compensation for improvements (Oudh)	XIX	25
(Panjáb)	XXVIII	37
of distress (Oudh)	XIX	53
VENEREAL DISEASE, see *Contagious Disease*.		
VERIFICATION of declaration on deposit, in court, of revenue or rent (Oudh) ...	XIX	15
VERNACULAR LANGUAGE, notice of ejectment under Panjáb Tenancy Act to be in what,	XXVIII	22
VILLAGE-EXPENSES, suits by lumberdárs for, ...	XIX	83, par. 16
VOTING at meetings of N. W. P. municipal committees	VI	9
WASTE LAND, reclamation and clearing of, an 'improvement' (Oudh)	XIX	23
(Panjáb)	XXVIII	38

	Act.	Sec.
WATER, works for storage of, an 'improvement' (Oudh)	XIX	23, cl. 1
(Panjáb)	XXVIII	38
See *Irrigation.*		
WELLS, construction of, an 'improvement' (Oudh)	XIX	23, cl. 1
(Panjáb)	XXVIII	38
WILL' defined	I	2, cl. 16
WITHDRAWAL of distress on tender of arrear and expenses (Oudh)	XIX	56
on execution of bond	"	62
of distress where demand satisfied by partial sale	"	64
of suits and appeals in subordinate courts	"	97
WITHHOLDING receipt or acknowledgment	XIX	13, 17
WOODS, see *Timber.*		
WRITTEN AGREEMENT, terms of, saved (Oudh)	XIX	4, 5, 32
that rent shall be altered	"	36
to pay sum in excess of rent	"	46
for delivery of lease or counterpart	"	116
WRITTEN APPLICATION for sale of crops distrained	XIX	57, 58
WRITTEN AUTHORITY to make distress	XIX	49, 50
WRITTEN DEMAND of arrear	XIX	52
WRITTEN EVIDENCE, see *Evidence.*		
'YEAR' defined	I	2, cl. 4
for which rent is paid or tendered, to be specified in receipts and acknowledgments (Oudh)	XIX	13

Office of Supdt. Govt. Printing.—No. 8125 L. C.—31-12-68—3,000.